ACTS AND LAWS,

Passed by the Great and General Court or Assembly of Their Majesties Province of the Massachusets-Bay, in

New-England.

Begun at *Boston*, the Eighth Day of *June*, 1692. And Continued by Adjournment, unto *Wednesday* the Twelfth Day of *October* following: Being the Second Sessions.

Anno Regni Gulielmi, et Mariæ, Regis et Reginæ Angliæ, Scotiæ, Franciæ, et Hiberniæ, Quarto.

BOSTON
Printed by *Benjamin Harris*, Printer to His Excellency, the Governour and Council, 1692.

ACTS

AND

LAWS

OF THE

New-England

By His Excellency,

[illegible] Order Benjamin Harris to Print the Acts and Laws made by the Great and General Court, or Assembly of this Their Majesties Province of the Massachusetts Bay in New-England, that to the People may be Informed thereof.

Dated December 16th. 1692.

William Phips.

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The Contents.

AN Act, setting forth General Priviledges Page 1

An Act, For the Quieting of Possessions, and Setling of Titles. pag. 2

An Act, For Building with Stone or Brick in the Town of Boston, and preventing Fire. pag. 4

An Act, For the Settling and Distribution of the Estates of Intestates. pag. 6

An Act, For prevention of Frauds and Perjuries. pag. 9

An Act, For the Equal Distribution of Insolvent Estates. pag. 12

An Act, For Regulating the Assize of Cask, and preventing Deceit in Packing of Fish, Beef, and Pork, for Sale. pag. 13.

An Act, For Punishing of Criminal Offenders. pag. 16

An Act, For the Punishing of Capital Offenders. pag. 21.

An Act, For the Suppressing of Unlicensed Houses, and the due Regulation of such as are, or shall be Licensed. pag. 26

An Act, For Impost and Excise. pag. 28

An Act, For the better Observation and keeping the Lords Day. ibid.

An Act, For Prevention of Common Nusances arising by Slaughter-Houses, Still-Houses, &c. Tallow Chandlers, and Curriers. pag. 30

An Act, For Affirming of Former Judgments, and providing for Executions. pag. 31

An Act, For the orderly Consumating of Marriages. pag. 33

An Act, For the Settlement and Support of Ministers and School-Masters. pag. 34

An Act For the Settlement of the Bounds, and defraying of the Publick and Necessary Charges arising within each Respective County in this Province. pag. 36

An Act For Regulating of Townships, Choice of Town Officers, and setting forth their Power pag. 37

An Act, For making of Lands and Tenements liable to the payment of Debts. pag. 43

An Act For due Regulation of weights and Measures. pag. 45

An Act, Against the Counterfeiting, Clipping, Rounding, Filing or impairing of Coyns. pag. 47.

An Act, For the Regulating and Encouragement of Fishery. pag. 48

An Act, For the Establishing of Judicatories and Courts of Justice, within this Province pag. 49

An Act, Requiring the Taking the Oaths, appointed to be taken instead of the Oaths of Allegiance, and Supremacy. pag. 56

An Act For the establishing of Forms of Oaths. pag. 58

An Act, For the Establishing of Presidents and Forms of Writts, and Processes. pag. 61

An Act For regulating Fees. pag. 69

An Act, For ascertaining the number, and regulating the House of Representatives pag. 75.

An Act, For the Prevention of Danger by the French residing within this Province pag. 78

An Act, against Conjuration, Witchcraft, and dealing with evil and wicked Spirits. pag. 79

An Act, For regulating the former assessment and for granting an additional Supply of Money. pag. 80

An Act, For the better securing the liberty of the subject, and for prevention of illegal imprisonment. pag. 85

An Act for the reviving of an act for continuing of the Local Laws. And one other Act for sending of Souldiers to the relief of the Neighbouring Provinces, and Colonies pag. 90

An Act

Acts and Laws,

Passed by the Great and General Court or Assembly of Their Majesties Province of the Massachusets-Bay, in New-England. &c.

An Act,

Setting forth General Priveledges.

Be it Declared and Enacted by the Governour Council and Representatives, of Their Majesties Province of the Massachusets Bay in New-England, in General Court, Assembled and by the Authority of the same. That all and every the Rights and Liberties of the People, in this present Act mentioned shall be Firmly and Strictly holden and Observed.

That is to say,

That no Freeman shall be taken and Imprisoned, or be Disseized of his Freehold, or Libertys, or his Free Customes, or be Outlawed, or Exiled, or in any manner Destroyed, Nor shall be Passed upon Adjudged or Condemned, but by the Lawful Judgment of his Peers or the Law of this Province.

Justice nor Right shall be neither sold denied or deferred to any *Man* within this Province.

No Man shall be twice Sentenced for one and the same Crime, Offence or Trespass.

No Aid, Tax, Tallage, Assessment, Custome, Loan, Benevolence, or Imposition whatsoever, shall be Laid, Assessed, Imposed or Levied on any of Their Majesties Subjects, or their Estates, on any Colour or Pretence whatsoever but by the Act and Consent of the Governour, Council and Representatives of the People, Assembled in General Court.

No Man of what State or Condition ſoever ſhall be put out of his Lands or Tenements, nor be taken, nor Impriſoned, nor Diſherited, nor Baniſhed, nor any ways Deſtroyed, without being brought to anſwer by due proceſs of Law.

All Trials ſhall be by the Verdict of Twelve Men, Peers or Equals, and of the Neighbourhood, and in the County or Shire where the Fact ſhall ariſe or grow; Whither the ſame be by Indictment, Information, or otherwiſe againſt the Perſon Offending, except in Caſes where the Law of the Province ſhall otherwiſe provide.

Dyallow / In all Capital Caſes there ſhall be a Grand Inqueſt who ſhall firſt preſent the Offence and then Twelve Men of the Neighbourhood to Try the Offender, who after his Plea to the Indictment, ſhall be allowed his Reaſonable Challenges.

In all Caſes whatſoever, Bail by ſufficient Sureties, ſhall be Allowed and taken, Unleſs for Treaſon or Felony, plainly and eſpecially expreſſed, and mentioned in the Warrant of Committment.

Provided always that nothing herein contained ſhall be underſtood to Extend to Diſcharge out of Priſon upon Bail, any Perſon taken in Execution for Debt, or otherwiſe Legally Sentenced by the Judgment of any of the Courts of record within this Province.

All Lands and Heritages within this Province ſhall be free from Year, Day, and Waſt, Eſcheats and Forfeitures, upon the Death of Parents, or Anceſtors, Natural, Caſual, or Judicial, and that for ever: Except in caſes of High Treaſon.

An Act,

For the Quieting of Poſſeſſions, and Setling of Titles.

WHEREAS for the Preventing of Contents and Law-Suits, referring to Houſing and Lands, (there having been a) Neglect in many Perſons, in the Infancy of theſe Plantations, to Obſerve a Legal Courſe and Method for the Paſſing and Confirmation of Sales and Alienations.

It was Ordered and Enacted by the Late Governour and Company of the Maſſachuſets-Bay, in the Year 1657.

ten years quiet Poſſeſſion to give a Title.

That any Perſon or Perſons, who either by Themſelves, or by their Grantees, or Aſſigns; before the Law made for direction about Inheritances, Bearing Date *October* the Nineteenth, One Thouſand Six Hundred Fifty Two, have Poſſeſſed and Occupied as his or their own Proper Right, in Fee Simple, any Houſes or Lands within this Juriſdiction, and ſhall ſo continue, whether in

Three Years Quiet Poſſeſſion to make a Title.

Savings.

An Act,

For Building with Stone or Brick in the Town of Boston, and preventing Fire.

WHEREAS Great Defolations and Fires have fundry times happened by Fire, breaking out in the Town of *Boſton*, principally occafioned by reaſon of the joyning and nearneſs of the Buildings, being moſtly of Timber, and covered with Shingle. For the better preventing of ſuch Accidents for the future, and Damage and Loſs thereby.

Be it Ordained and Enacted by the Governour, Council, and Repreſentatives, Convened in General Court or Aſſembly And it is Enacted by the Authority of the ſame.

Buildings in Boſton to be of Brick or Stone and covered with Slate.

That henceforth no Dwelling Houſe, Shop, Warehouſe, Barn, Stable, or any other Houſing of more than Eight Feet in Length, or Breadth, and Seven Feet in Height, ſhall be Erected and Set up in *Boſton*, but of Stone or Brick, and covered with Slate or Tyle, unleſs in particular caſes where neceſſity requires; being ſo judged and ſignified in writing under the Hands of the Juſtices, and Select men of the ſaid Town, or major part of both; the Governour with the Advice and Conſent of the Council ſhall ſee cauſe to Grant Licence unto any perſon to build with Timber, or cover with Shingle. And if any perſon ſhall preſume to Erect, or cauſe to be Erected, any Frame or Building contrary hereto; upon Conviction thereof, before two Juſtices of Peace (*Quorum Unus*) ſuch Building ſhall be deemed a common Nuſance and the Owner of ſuch Frame or Building, ſhall enter into a Recognizance to Demoliſh the ſame; and in Default of Entring into ſuch Recognizance, ſhall be Committed to Priſon, until he do cauſe the ſame to be Demoliſhed; or elſe ſuch Building ſhall be Demoliſhed by Order of the Quarter Seſſions of the Peace within the ſaid County, and the Charge thereof to be Levied by Diſtreſs, and Sale of ſuch Offenders Goods, by Warrant from the Court of Quarter Seſſions.

Governour & Council to grant Licence to build with Timber in Caſe.

Penalty for tranſgreſſing this Act.

And it is further Ordered and Enacted

That in all Void and Unbuilt Places, which ſhall hereafter be Improved for Building, or when at any time any total Conſumption or Deſolation ſhall happen in any Street or Lane within the ſaid Town, it ſhall be in the power of the Juſtices of the Peace of ſaid Town then in being, together with the Select Men, or the major part of both, to Stake and Lay out ſuch Streets, Ways and Paſſages, as may be moſt for the Conveniency and Accommodation of the Place: As alſo where any Deſolation has happened, to Regulate and Enlarge other narrow and crooked Lanes or Paſſages. AND where any particular perſons ſhall have their Land taken away or leſſened thereby; a Jury of

Juſtices and Select men to lay out Streets, &c.

Twelve

Twelve Men shall be appointed by two Justices of the Peace, and Sworn to Ascertain the value thereof, to be paid by the person, to whose Land the same shall be added, or by the Neighbourhood or Town, in proportion to the benefit or conveniency any shall have thereby. And every person Building as aforesaid with Brick or Stone, shall have liberty to Set half his Partition Wall in his Neighbours Ground, so that he leave Toothing in the Corners of such Walls for his Neighbour to adjoyn unto, who when he shall Build, such Neighbour adjoyning, shall pay for one half of the said Partition Wall, so far as it shall be Built against. And in case of any Difference arising, the Select men shall have power to appoint meet persons to value the same, or lay out the Line between such Neighbours. AND whereas several Houses and other Buildings have been Erected and Set up since the year 1688 contrary to the Law made by the General Court of the *Massachusetts* Colony;

A Jury to Ascertain the Value of any Persons Land laid to any Street.

Party Wall to stand half in the Neighbours ground

It is hereby Ordained and Enacted by the Authority aforesaid,

That every Owner of such House or Buildings so Set up, contrary to said Law, shall cause the same to be Covered with Slate or Tyle, or otherwise such Houses or Buildings shall be deemed a common Nuisance, and the Owner thereof Proceeded against accordingly.

And be it further Enacted and Declared by the Authority aforesaid,

That when any Fire shall happen to break out either in *Boston*, or any other Town within this Province, two or three of the Chief Military or Civil Officers of the same Town, shall, or may, and hereby are Impowered to give Directions for the pulling down, or blowing up any such House or Houses that shall be by them adjudged meet to be pulled down or blown up, for the stopping and preventing the further Spreading of the same. And if it shall happen that the pulling down or blowing up any such House or Houses by the Directions aforesaid, shall be the occasion of stopping the said Fire, or that the Fire stop before it come to the same. That then all and every Owner of such House or Houses, shall Receive reasonable satisfaction, and be paid for the same, by the rest of the Inhabitants whose Houses shall not be Burnt; who are hereby Impowered to make such Rate or Rates, for the Raising and Levying of such Sum and Sums of Mony as shall be thought convenient by the Select-Men and Justices of said Town for that end.

Two or 3 of the chief Military Officers to Order the pulling down or blowing up of Houses to stop Fire.

Where the Fire is stopt by pulling down or blowing up any House the owner to be paid.

PROVIDED always, That if the House where the Fire shall first Begin and Break out, shall be adjudged fit to be pulled down or blown up to hinder the further spreading and increase of the same. That then the Owner of such House shall receive no manner of satisfaction for the same. Any thing in this Act contained notwithstanding.

An Act,

For the Setling and Distribution of the Estates of Intestates.

WHEREAS Estates in these Provinces do consist chiefly of Lands which have been [illegible] and brought to Improvement by the Industry [illegible] of the Proprietors, with the Assistance of their Children, [illegible] Children generally having been longest and most [illegible] in that behalf; who have not Personal Estate [illegible] or otherwise to Recompence their Labour.

Be it therefore Enacted and Declared by the Governour, Council and Representatives, Convened in General Court of Assembly, And it is Ordained by the Authority of the same.

Persons Seized of Lands in fee simple may dispose of the same by will. &c.

That every person lawfully Seized of any Lands, Tenements, or Hereditaments within this Province, in his own proper right in Fee Simple, shall have power to give, and dispose, and devise, as well by his Last Will and Testament in Writing, as otherwise by any Act Executed in his Life all such Lands, Tenements and Hereditaments to and among his Children or others, as he shall think fit at his Pleasure. And if no such Disposition, Gift, or Devise be made by the Owner of any such Lands, Tenements and Hereditaments; the same shall be subject to a Division, with his Personal Estate, and be a like Distributed, according to the Rules herein after Exprest for Intestate Estates. And when and so often as it shall happen, That any person dyes Intestate; Administration of such Intestates, Goods and Estate shall be granted unto the Widow or next of Kin to the Intestate, or both, [illegible] for Proving of Wills, and granting of Administrations shall [illegible] who shall thereupon take Bond with Sureties in manner as is directed by the Statute of the 22th and 23th of *Charles* the Second, and shall and may proceed to call such Administrators to account for, and touching the Goods of the Intestate; And upon due Hearing and Consideration thereof, (Debts, Funeral and just Expences of all sorts being first allowed,) the said Judge shall, and hereby is fully Impowered to Order and make a just Distribution of the Surplusage of remaining Goods and Estate as well Real as Personal in manner following: That is to say, One Third Part of the Personal Estate to the Wife of the Intestate for ever, besides her Dower or Thirds in the Houses and Lands during Life, where such Wife shall not be otherwise Endowed before Marriage, and all the Residue of the Real and Personal Estate by Equal Portions to and among his Children, and such as shall Legally Represent them; (if any of them be dead) other than such Children, who shall have any Estate by Settlement of the Intestate in his

Administrators to the Estate of Intestates how to be granted

Distribution of Intestate Estates

his life-time Equal to the others Shares. Children advanced by Settlement, or Portions not equal to the others Shares, to have so much of the Surplusage as shall make the Estate of all to be Equal, except the Eldest Son then Surviving, (where there is no Issue of the First-born or of any other Elder Son) who shall have two Shares, or a double portion of the whole; & where there are no Sons, the Daughters shall Inherit as Coparceners. The Division of the Houses and Lands to be made by five sufficient Freeholders upon Oath, or any Three of them, to be Appointed and Sworn by the Judge for that end: unless where all the Parties Interested in any Estate being Legally capable to Act, shall mutually agree of a Division among themselves, and present the same in Writing under their Hands and Seals; in which case, such Agreement shall be accepted and allowed for a Settlement of such Estate, and be accounted valid in Law, being Acknowledged by the Parties Subscribing before the Judge, and put upon Record.

PROVIDED Nevertheless, That where any Estate in Houses and Lands cannot be divided among all the Children, without great prejudice to, or spoyling of the whole; being so Represented, and made to appear unto the said Judge, the Judge may order the whole unto the Eldest Son, if he accept it, or to any other of the Sons successively, upon his Refusal: He paying unto the other Children of the Deceased, their Equal, and proportionable Parts or Shares of the true value of such Houses and Lands. Upon a just Apprizement thereof, to be made by Three Sufficient Freeholders upon Oath, to be Appointed and Sworn as aforesaid, or giving good Security to pay the same in some convenient time, as the said Judge shall Limit, making reasonable allowance in the Interim, not exceeding six *per Cent. per Annum*. And if any of the Children happen to Dye, before he or she come of Age, or be Married; the Portion of such Child Deceased, shall be equally divided among the Survivors.

And in case there be no Children, nor any Legal Representatives of them, then one Moity of the Personal Estate shall be allotted to the Wife of the Intestate for ever; and one Third of the Real Estate, for Term of life. The Residue both of the Real and Personal Estate, equally to every of the next of Kin of the Intestate, in equal degree, and those who Legally Represent them. No Representatives to be admitted among Collaterals after Brothers and Sisters Children. And if there be no Wife, all shall be Distributed among the Children, and if no Child, to the next of Kin to the Intestate in equal degree, and their Legal Representatives as aforesaid, and in no other manner whatsoever. And every one to whom any Share shall be allotted, shall give Bond with Sureties before the said Judge of Probate; if Debts afterwards be made to appear, to Refund and Pay back to the Administrator, His or Her Ratable part thereof, and of the Administrators Charges. The Widows Thirds or Dower in the Real Estate, at the Expiration of her Term to be alike Divided as aforesaid. Saving to any Person agrieved at any Order, Sentence or Decree made for the Settlement and Distribution of any Intestate Estate, their Right of Appeal unto the Governour and Council. Every Person so appealing, giving Security to Prosecute the Appeal with Effect.

Right of Appeal saved.

Be it further Enacted by the Authority aforesaid

Executors to cause Probate of Wills to be made in thirty days next after the Testators Death.

That if any Executor or Executors of the Will of any Person deceased, Knowing of their being so named and Appointed, shall not within the Space of Thirty days next, after the Decease of the Testator, cause such Will to be proved, and Recorded in the Registers Office, of the same County where the Deceased Person last dwelt; or present the said Will, and declare his or their refusal of the Executorship. Every Executor so neglecting of his or her Trust and Duty in that behalf, (without just Excuse made and accepted for such delay) shall forfeit the Sum of Five Pounds *Per* Month, from and after the Expiration of the said Thirty Days, until he or they shall cause Probate of such Will to be made, or present the same as aforesaid. Every such Forfeiture to be had and recovered by Action, or Information, in the Inferiour Court of Pleas, in the same County: And to be disposed of, one Moity thereof, to the use of the Poor of the Town, where the Deceased Person last dwelt; and the other Moity to him or them that shall Inform and Sue for the same. And upon any such refusall of the Executor, or Executors, the Judge shall commit Administration of the Estate of the Deceased, *Cum Testamento annexo* unto the Widow or next of Kin to the Deceased, and upon their refusal to one or more of the Principal Creditors, as he shall think fitt.

Penalty for Neglect.

Upon Refusal Administration to be committed: *cum Testamen to annexo* Executors by Wrong.

And if any person or persons shall Alienate or Imbezel any of the Goods or Chattels of any person Deceased, before he or they have taken out Letters of Administration, and Exhibited a true Inventory of all the known Estate of the party Deceased. Every person or persons so Acting, shall stand Chargeable, and be liable to the Actions of the Creditors and other persons grieved, as being Executors in their own wrong. And the Judge shall cause a Citation to be made out unto the Widow, or next of Kin; and upon their Neglect of appearance, or refusal, may Commit Adminastration of any such Estate, to some one or more of the Chief Creditors, if accepted by them, or others, as he shall think fit, upon their refusal.

Bonds for Administration to the County Treasurer, to be put in Suit by the Judge.

And whereas, according to the former practice of the Courts, Bonds for due Administration of the Estates of Intestates, were taken in the Name of the County Treasurer, and the Obligation made to him, his Successors in Said Office or Assigns; many of which are still depending

It is Further Enacted by the Authority aforesaid.

That the Judge for Probate of Wills, and Granting of Administrations in the Countys respectively: be, and hereby are fully Impowred and Authorized, to call all such Administrators to account, and if need be, to put the said Bonds or any of them in suit, who shall be, and hereby are to be held and Esteemed the Assignees of the County Treasurer in that behalf to all Intents: Constructions and Purposes in the Law whatsoever.

An Act

An Act,

For Prevention of Frauds and Perjuries.

FOR Prevention of many Fraudulent Practices which are commonly endeavoured to be upheld by Perjury, and Subornation of Perjury.

Be it Enacted and Ordained by the Governour, Council and Representatives Convened in General Court, and by the Authority of the ſame,

That from and after the laſt Day of *December* in this preſent Year One Thouſand Six Hundred Ninety and Two. All Leaſes, Eſtates, Intereſts of Freehold, or Term of Years, or any uncertain Intereſt of, in, or, out of any Meſſuages, Lands, Tenements, or Hereditaments, made or created by Livery and Seiſin only, or by Parole, and not put in writing and Signed by the Parties, ſo making or creating of the ſame, or their Agents thereunto Lawfully Authorized by writing, ſhall have the Force & Effect of Leaſes, or Eſtates at will only, & ſhall not either in Law or Equity be deemed or taken to have any other or greater Force or Effect; any conſideration for making any ſuch Parole Leaſes or Eſtates, or any former Law or Uſage to the contrary notwithſtanding.

Parole Leaſes and Intereſt of Freehold ſhall have the force of Eſtates, at will only.

Except nevertheleſs, all Leaſes not exceeding the Term of Three Years from the making thereof, whereupon the Rent Reſerved to the Landlord, during ſuch Term ſhall amount unto two third parts at the leaſt of the full improved value of the thing Demiſed.

Except Leaſes not Exceeding three years, &c.

And moreover, That no Leaſes, Eſtates or Intereſts, either of Freehold, or Term of Years, or any uncertain Intereſt of in, to or out of any Meſſuages, Lands, Tenements or Hereditaments, ſhall at any time after the ſaid laſt day of *December*, be Aſſigned, Granted, or Surrendred, unleſs it be by Deed or Note in Writing, Signed by the Party ſo Aſſigning, Granting or Surrendring the ſame, or their Agents thereunto lawfully Authorized by Writing, or by Act and Operation of Law.

No Leaſes or Eſtates of Freehold to be granted or ſurrendred by word.

And be it further Enacted by the Authority aforeſaid.

That from and after the ſaid laſt day of *December*, no Action ſhall be brought whereby to Charge any Executor or Adminiſtrator upon any ſpecial Promiſe, to anſwer Damages out of his own Eſtate, (2) or whereby to Charge the Defendant upon any ſpecial Promiſe to anſwer for the Debt, Default or Miſcarriages of another perſon, (3) or to charge any perſon upon any Agreement made upon conſideration of Marriage, (4) or upon any Contract or Sale of Lands, Tenements or Hereditaments, or any Intereſt in, or

Promiſes and Agreements by Parole.

 concerning

concerning them; (5) or upon any Agreement that is not to be performed within the ſpace of one year from the making thereof; (6) unleſs the Agreement upon which ſuch Action ſhall be brought, or ſome Memorandum or Note thereof ſhall be in Writing, and Signed by the Party, to be Charged therewith, or ſome other perſon thereunto by him lawfully Authorized.

And be it further Enacted by the Authority aforeſaid,

Deviſes of Lands to be in Writing & atteſted by three or four Witneſſes,

That from and after the ſaid laſt day of *December*, all Deviſes and Bequeſts of any Lands or Tenements, ſhall be in Writing, and Signed by the Party, ſo Deviſing the ſame, or by ſome other perſon in his preſence, and by his expreſs Directions, and ſhall be Atteſted and Subſcribed in the preſence of the ſaid Deviſor, by three or four credible Witneſſes, or elſe ſhall be utterly void and of none Effect.

How the ſame ſhall be revocable.

And moreover, no Deviſe in Writing of Lands, Tenements or Hereditaments, or any Clauſe thereof, ſhall at any time after the ſaid laſt day of *December*, be Revocable, otherwiſe than by ſome other VVill or Codicil in VVriting, or other VVriting declaring the ſame, or by Burning, Cancelling, Tearing or Obliterating the ſame by the Teſtator himſelf, or in his preſence, and by his Directions and Conſent; (7) But all Deviſes and Bequeſts of Lands and Tenements ſhall remain and continue in full force, until the ſame be Burnt, Cancelled, Torn or Obliterated by the Teſtator, or his Direction in manner aforeſaid, or unleſs the ſame be altered by ſome other VVill or Codicil in VVriting, or other VVriting of the Deviſor, Signed in the preſence of three or four VVitneſſes, declaring the ſame; any former Law or Uſage to the contrary Notwithſtanding.

And be it further Enacted by the Authority aforeſaid,

All Declarations or Creations of truſt to be in Writing.

That from and after the ſaid laſt day of *December*, all Declarations or Creations of Truſts, or Conſidences of any Lands, Tenements or Hereditaments, ſhall be manifeſted and proved by ſome VVriting, Signed by the Party who is by Law enabled to declare ſuch Truſt, or by his Laſt VVill in Writing, or elſe they ſhall be utterly void and of none effect.

truſts ariſing, tranſferred or extinguiſhed by implication of Law excepted.

Provided always, That where any Conveyance ſhall be made of any Lands or Tenements, by which a Truſt or Conſidence ſhall or may ariſe or reſult by the Implication or Conſtruction of Law, or be Tranſferred or Extinguiſhed by an Act or Operation of Law, then, and in every ſuch caſe, ſuch Truſt or Confidence ſhall be of the like Force and Effect as the ſame would have been, if this Act had not been made; any thing herein before contained to the contrary notwithſtanding.

And be it further Enacted.

Aſſignments of truſt ſhall be in writing

That all Grants and Aſſignments of any Truſt or Conſidence, ſhall likewiſe be in Writing, Signed by the Party, Granting or Aſſigning the ſame by ſuch Laſt Will or Deviſe, or elſe ſhall be utterly void and of none Effect.

and

And be it further Enacted by the Authority aforesaid.

Contract for Sale of Goods for Ten Pounds or more.

That from and after the said last day of *December*, No Contract for the Sale of any Goods, Wares and Merchandizes, for the price of Ten Pounds, or upwards, shall be allowed to be good, except the Buyer shall accept part of the Goods so Sold, and actually receive the same, or give something in Earnest to bind the Bargain, or in part of payment, or that some Note or Memorandum in Writing of the said Bargain, be Made and Signed by the Parties to be Charged by such Contract, or their Agents thereunto lawfully Authorized.

Nuncupative Wills.

And for prevention of Fraudulent Practices, in Setting up Nuncupative Wills, which have been the occasion of much Perjury.

Be it Enacted by the Authority aforesaid,

That from and after the aforesaid last day of *December*, No Nuncupative Will shall be good, whereby the Estate thereby Bequeathed, shall exceed the value of Thirty Pounds, that is not proved by the Oaths of Three Witnesses (at the least) that were present at the making thereof, nor unless it be proved that the Testator at the time of pronouncing the same, did bid the persons present, or some of them, bear witness, that such was his Will, or to that effect; nor unless such Nuncupative Will were made in the time of the last Sickness of the Deceased, and in the House of his or their Habitation or Dwelling, or where he or she hath been Resident, for the space of ten days, or more, next before the making of such Will, except where such person was surprized or taken Sick, being from his own home, and Dyed before he returned to the place of his or her Dwelling.

And be it further Enacted,

That after six months passed after the speaking of the pretended Testamentary Words, no Testimony shall be received to prove any Will Nuncupative, except the said Testimony, or the Substance thereof were committed to writing within six days, after the making of the said Will.

And be it further Enacted,

Probate of Nuncupative Wills.

That no Letters Testamentary, or probate of any Nuncupative Will, shall pass the Seal of any Court, till fourteen days at the least after the Decease of the Testator, be fully expired, nor shall any Nuncupative will be at any time received to be proved, unless process have first issued to call in the Widow, or next of Kindred to the Deceased, to the end they may contest the same, if they please.

And be it further Enacted,

That no Will in writing, concerning any Goods or Chattels, or Personal Estate, shall be Repealed; nor shall any Clause, Devise or Bequest therein, be altered or changed by any Words, or Will, by word of mouth only, except the same be in the Life of the Testator, committed to Writing, and Read to the Testator, and allowed by him, and proved to be so done by Three Witnesses at the least.

Souldiers & Mariners Wills excepted

Provided always, That notwithstanding this Act, any Souldier being in actual Military Service, or any Mariner or Seaman being at Sea, may dispose of his Moveables, Wages, and Personal Estate, as he or they might have done before the making of this Act.

An Act,

For the Equal Distribution of Insolvent Estates.

Be it Enacted and Ordained by the Governour, Council, and Representatives, Convened in General Court or Assembly And it is Enacted and Ordained by the Authority of the same.

Insolvent Estates to be proportioned to the Creditors.

That where the Estate of any person Deceased, shall be Insolvent or insufficient to pay all Just Debts, which the Deceased owed, the same shall be set forth, and distributed to and among all the Creditors in proportion unto the Sums to them respectively owing, so far as the said Estate will Extend.

The Judge of Probate to appoint Commissioners.

For which end the Executors or Administrators appointed to any such Insolvent Estate before payment to any be made, shall Represent the Condition and Circumstances thereof unto the Judge for Probate of Wills, and granting Administrations, within the same County in which such Deceased person last dwelt, and the said Judge shall Nominate and Appoint two or more fit persons to be Commissioners, with full power to receive, and Examine all Claims of the several Creditors, and how they are made out.

Publick notice to be given in the County where the Deceased last dwelt, in the two next Counties.

And such Commissioners shall cause the time and place for their Meeting to attend the Creditors, to be Published and made known, by posting up the same in some Publick places in the Shire Town of that County where such Deceased person last dwelt, and of the two next adjoyning Countys:

Six or twelve Months to be allowed for bringing in of claims

And Six or Twelve Moneths time (as the Circumstances of any Estate may require) shall be allowed by the Judge unto the Creditors for the bringing in of their Claims, and proving their Debts, at the end of which Limited time, such Commissioners shall make their report, and present a List of all the Claims unto the said Judge, who shall Order them meet Recompence out of the Estate for their Care and Labour in that affair; as also shall Order the Sickness and necessary Funeral Expences of the Deceased, to be first paid, and the Residue and Remainder of the Estate to be paid and distributed to and among the Creditors, that shall have made out their Claims, in due proportion to the Sums to them respectively Owing, according as the Estate will bear; saving unto the Widow (if any be) her right of Dower

The Commissioners to make Report

The Widows Dower saved

Dower according to Law in Houſes and Lands of the Deceaſed, the Widows Dower at the Expiration of her Term, to be diſtributed among the Creditors in a like Proportion. And no Proceſs in Law ſhall be allowed againſt the Executors or Adminiſtrators of any ſuch Inſolvent Eſtate ſo long as the ſame ſhall be depending as aforeſaid. And whatſoever Creditor ſhall not Enter and make out his or her Claim with ſuch Commiſſioners before the full Expiration of the Limited time, ſuch Perſon ſhall for ever after be debarred of his or her Debt, unleſs he or ſhe can find ſome further Eſtate of the Deceaſed, not before Diſcovered, and put into the Inventory.

Further it is Enacted and Ordained, by the Authority aforeſaid. *Diſallows.*

That Every Judge for Probate of Wills, and granting Adminiſtrations, within the Reſpective Countys, be, and hereby are fully Authorized, and Impowred, to Require, and Adminiſter an Oath, to any Perſon or Perſons, Suſpected to have Concealed, Imbezelled, or Conveyed away any of the Money, Goods, or Chattels, left by any Perſon, or Perſons deceaſed for the Diſcovery of the ſame.

The Judge of Probate Impowred to Adminiſter an Oath to perſons ſuſpected of Concealment.

An Act,

For Regulating the Aſſize of Cask, and preventing Deceit in Packing of Fiſh, Beef, and Pork, for Sale.

Be it Ordained and Enacted by the Governour Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame.

That from and after the Firſt Day of *December* next, all Sorts and Kinds of Thight Cask uſed for any Liquor, Fiſh, Beef, Pork, or any other Commodities, within this Their Majeſties Province, ſhall be of *London* Aſſize. That is to ſay, Butts to contain One Hundred and Twenty Six Gallons. Puncheons Eighty Four Gallons. Hogſheads Sixty Three Gallons. Tearſes Forty Two Gallons. Parrels Thirty one Gallons and a Half. And made of ſound, well ſeaſoned Timber, and free of Sap. And that fit Perſons, be appointed, from time to time, in all places needful, to View and Gage all ſuch Cask; and ſuch as ſhall be found of due Aſſize, ſhall be Marked with the Gagers Mark, who ſhall have, for his Pains, Four pence *Per* Tunn, and every Cooper ſhall ſet his diſtinct Brand-Mark on his own Cask; on Penalty of Forty Shillings.

Aſſize of Cask.

Gagers to be appointed Cask to be mark by the Gager, & his Fee

Every Cooper to have a diſtinct *brand* And Mark.

De

Defective Cask to be Forfeited.

And whoſoever ſhall put to Sale any New Cask, being defective, either in Workmanſhip, Timber, or Aſſize, as aforeſaid; upon Proof thereof, made before one Juſtice of the Peace, he ſhall Forfeit ſuch Cask, and be Fined the Sum of Ten Shillings.

And be it further Enacted by the Authority aforeſaid.

Quarter Seſſions to appoint gagers and packers, and Swear them.

Penalty of Refuſal

That the Juſtices of the Peace, at their Firſt General Quarter Seſſions, to be holden in each Reſpective County, within this Province; ſhall Yearly, in every Town needful thereof, Chooſe and Appoint a fit Perſon or Perſons, to be Gagers and Packers, and them to Swear to the Due Execution of their Office; which if any Perſon ſo appointed, ſhall refuſe, he ſhall pay the Sum of Forty Shillings, and another ſhall be Choſen and Appointed in his ſtead. And every Gager and Packer ſhall take care that all Cask in which he Packs Beef, Pork, Mackarel, Fiſh, or other Goods committed to his care, be of true and full Aſſize, and that he Pack the ſame in no other Cask whatſoever, on penalty of Ten Shillings for every Cask by him Packed, that is or ſhall be defective in that Reſpect. And if any of the beforementioned Proviſions ſhall be packed into Half Barrels, or Firkins, the ſame ſhall be made in Proportion to the Aſſize aforeſaid; and be marked by the Packer.

Ten Shillings penalty for packing in any Cask under Aſſize.

And for the preventing of Fraud and Deceit in the Packing of Pickled Fiſh; Beef and Pork to be put to Sale.

Be it further enacted by the authority aforeſaid.

The whole half & quarter of meat to be put up and not the beſt left out

Fiſh to be all of one kind

That in every Town, where ſuch Goods are Packt up for Sale, the Gager or Packer of ſuch Town, or of the Town wherein they are put to Sale, or Shipped, ſhall ſee that it be well and orderly Performed, (that is to ſay) Beef and Pork, the whole Half and Quarter, and ſo proportionably, that the beſt be not left out, and ſo Fiſh and Mackarel, that they be Packed all of one kind; & that all Casks ſo packed be full, and the Fiſh ſound and well Seaſoned, Setting his Seal on all Cask ſo packed, and he ſhall recieve of the owners for ſo Packing, and Sealing, Four Shillings *Per* Ton. And if any ſuch proviſions, be put to Sale, or Shipped off without the Packers mark, they ſhall be Forfeited.

Four Shillings *per* Ton for packing and Sealing.

And it is further Enacted.

Fiſh, and Fleſh for Tranſportation to be Searched and Repacked by the Packer.

Penalty on Maſters and Mariners taking any Proviſions a Board, Unſealed

That all ſorts of green or pickled Fiſh, Sturgeon, or Fleſh that ſhall be put up for Tranſportation to a Forreign Market, ſhall be Searched, Surveyed and approved by a Sworn Packer, who ſhall take ſtrict care that the ſame be put up in Tight Cask of FullGage, Salted with Suitable Salt. And ſuch as ſhall be ſo ſaved, and for its Condition found Merchantable, and full, the Packer ſhall Seal with ſuch Brand-Mark, as ſhall be aſſigned to the Town, and ſuch other Cut-Mark added, as may denote the Sort of Proviſion, and time when Packed. And all ſuch other Proviſion as the Packer ſhall find wholſome and uſeful, tho' for it's Quality it be not Merchantable; he ſhall cauſe to be well Packed, Salted Filled, and Sealed with the Letter R. and ſuch other Letters as may ſignifie the Town, Specie, and time of Packing. And if any Maſter of a Ship, or other Veſſel, or any Officers, or Marriners, belonging thereto ſhall recieve ſuch Proviſions not marked, and Sealed, as aforeſaid, aboard any of their Ships or Veſſels, he or they who ſhall offend therein, ſhall Forfeit Double

Double the value of all ſuch Proviſions; and he that owns the Proviſions, ſhall Forfeit the ſame. And if any Cooper, or other perſon ſhall Shift any Fiſh or Fleſh, either on Board, or on Shore, after the ſame hath been ſo Sealed and Marked by the Packer, and Ship and Export the ſame, the Packer having not allowed thereof, and anew Sealed and Marked the Cask where into ſuch Proviſions are Shifted: All Perſons Acting, Ordering, or Aſſiſting therein, ſhall be Set in the Pillory, not exceeding one hour, and ſhall likewiſe pay Double Damages to perſons wronged thereby.

Penalty for Shifting of Proviſions after Sealing.

And it is further Enacted by the Authority aforeſaid

That where any ſuch Proviſions have lain above three months under the Packers Mark, betwixt the Months of *May* and *October*, they ſhall again, upon Exſportation or Sale, be viewed or ſearched by the Packer, (that is to ſay) ſo many of them as may probably diſcover the Condition of the whole; and if any be decayed or deceitfully dealt with, the Packer ſhall Cull and Repack the ſame, ſo as to diſtinguiſh, and mark them for Merchantable, or refuſe, according to their Condition. And if thoſe who Ship or Export any ſuch Proviſion, ſhall neglect or refuſe ſuch ſecond Search or Survey, the Packer is hereby Ordered and Impowred to deface his former Mark, and for ſo doing, ſhall be paid as if he had Repackt the ſame. And if the Owner Refuſe to ſatisfie the Packer, ſuch Packer ſhall have Redreſs on Complaint to any Juſtice of the Peace; who is hereby Impowred to compel the payment thereof by Diſtreſs.

Proviſions that have lain three months packt in the Summer, to be Reviewed.

And it is further Enacted by the Authority aforeſaid,

That all Tarr that ſhall be Expoſed to Sale, within this Province, ſhall be in Barrels, half Barrels, and thirds of a Barrel of the Meaſure and Aſſize following; (that is to ſay) the Barrel to contain Thirty Gallons, the half Barrel and third of a Barrel, of the ſame Gage proportionably, and in no other Cask whatſoever. And all Cask to be made of the ſame Aſſize, and Branded by the Cooper as aforeſaid, on pain of Forfeiture of all ſuch Cask as are not of due Aſſize. And if any Tarr ſhall be expoſed to Sale in any Cask not branded as aforeſaid, the ſame ſhall be likewiſe Forfeited.

Aſſize of Cask for Tarr.

And further it is Enacted by the Authority aforeſaid,

That all Fines, Penalties and Forfeitures ariſing by force and virtue of this Act, ſhall be the one half to Their Majeſties, towards the Support of the Government of this Province; and the other half to him or them that ſhall Inform and Sue for the ſame in any of their Majeſties Courts of Record within this Province.

One half of the Fines & Forfeitures to be unto Their Majeſties, and the other half to the Informer.

Be it further Enacted by the Authority aforeſaid,

That there be a Meaſurer of Salt, and Culler of Fiſh in every Sea-port Town

Meaſurer of Salt and Culler of Fiſh

Town within this Province, to be appointed as aforeſaid, who being likewiſe Sworn for the faithful Diſcharge of that Office, ſhall Cull all Merchantable Fiſh, and Meaſure all Salt that ſhall be Imported and Sold out of any Ship or other Veſſel, and ſhall have three-half-pence for every Hogſhead of Salt by him ſo Meaſured, to be paid, the one half by the Buyer, the other half by the Seller. And one penny *per* Quintal, for every Quintal of Merchantable Fiſh by him Culled, to be paid, one half by the Buyer, and the other half by the Seller.

An Act,

For the Puniſhing of Criminal Offenders.

Be it Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame,

Curſing and Swearing

That if any perſon or perſons ſhall prophanely Sware or Curſe in the hearing of any Juſtice of the Peace, or ſhall be thereof Convicted by the Oathes of two Witneſſes, or Confeſſion of the party, before any Juſtice or Juſtices of the Peace; Every ſuch Offender ſhall forfeit and pay unto the uſe of the Poor of the Town, where the offence ſhall be Committed, the Sum of Five Shillings. And if the Offender be not able to pay the ſaid Sum, then to be ſet in the Stocks, not Exceeding two Hours. And if any perſon ſhall urter more profane Oaths or Curſes at the ſame time, and in hearing of the ſame perſon or perſons, he ſhall forfeit and pay to the uſe aforeſaid the Sum of Twelve pence for every Oath or Curſe after the firſt; or be ſet in the Stocks three Hours. Provided that Every offence againſt this Law ſhall be Complained of and proved as aforeſaid within Thirty dayes next after the offence Committed.

Preſumption.

Further it is Enacted by the Authority aforeſaid.

Drunkenneſs.

That every perſon, Convicted of Drunkenneſs by view of any Juſtice of Peace; Confeſſion of the party; or Oaths of Two Witneſſes; Such Perſon ſo Convicted, ſhall forfeit and pay unto the uſe of the Poor of the Town where Such Offence is Committed, the Sum of Five Shillings for every ſuch Offence: And if the Offender be unable to Pay the ſaid Sum;

to

to be set in the Stocks, not exceeding Three Hours; at the Discretion of the Justice or Justices, before whom the Conviction shall be. And upon a second Conviction of Drunkenness, every such Offender, over and above the penalty aforesaid, shall be Bound with two Sureties in the Sum of Ten Pounds with Condition for the good Behaviour: And for want of such Sureties, shall be sent to the Common Goal, until he find the same. PROVIDED, That no Person shall be Impeached or Molested for any Offence against this Act, unless he shall be thereof Presented, Indicted or Convicted within six Months after the Offence Committed. And the Justice or Justices before whom Conviction of any of the aforesaid Offences shall be, are hereby Impowred and Authorized to Restrain or Commit the Offender, until the Fine Impoled for such Offence, be satisfied; or to cause the same to be Levied by Distress, and Sale of the Offenders Goods, by Warrant directed to the Constable; returning the Over-plus (if any be,) all such Fines to be Levied within one Week next after such Conviction, and Delivered to the Select-Men, or Overseers of the Poor, for the Use of the Poor as aforesaid.

It is further Enacted and Ordained, by the Authority aforesaid,

Theft. That whosoever shall Steal or Purloin any Money, Goods or Chattels, being thereof Convicted, by Confession, or Sufficient Witness upon Oath: Every such Offender, shall Forfeit treble the value of the Money, Goods or Chattels so Stollen or Purloined, unto the Owner or Owners thereof; And be further punished, by Fine or Whipping; at the discretion of the Court or Justices, that have Cognizance of such Offence; not exceeding the Sum of Five Pounds, or Twenty Stripes. And if any such Offender be unable to make Restitution, or Pay such Threefold Damages; such Offender shall be Enjoyned to make Satisfaction by Service: And the Prosecutor shall be, and hereby is Impowred to dispose of said Offender in Service to any of Their Majesties Subjects, for such Term as shall be Assigned by the Court, or Justices before whom the Prosecution was. And every Justice of Peace in the County where such Offence is Committed, or where the Thief shall be Apprehended, is hereby Authorized to Hear and Determine all Offences against this Law. PROVIDED, That the Damage exceed not the Sum of Forty Shillings.

Burglary. And if any Person shall Commit Burglary, by Breaking up any Dwelling-House, Warehouse, Shop, Mill, Malt-house, Barn, Out-House, or any Ship or other Vessel, lying within the Body of the County, or shall Rob any Person in the Field or High-ways: Every Person so Offending, shall upon Conviction, be Branded on the Forehead with the Letter B. and upon a Second Conviction, shall be Set upon the Gallows for the space of one Hour, with a Rope about his Neck, and one end thereof cast over the Gallows; and be severely Whipt, not exceeding Thirty Nine Stripes: And upon a Third Conviction of the like Offence, shall Suffer the pains of Death, as being Incorrigible; and shall likewise upon the First and Second Convictions, pay treble Damages to the Party Injured, as is Provided in case of Theft;

and

And it is further Enacted by the Authority aforesaid.

Fornication.

That if any Man Commit Fornication with any single Woman; upon due Conviction thereof, they shall be Fined unto Their Majesties, not exceeding the Sum of Five Pounds; or be Corporally Punished by Whipping, not exceeding Ten Stripes a piece; at the Discretion of the Sessions of the Peace, who shall have Cognizance of the Offence. And he that is Accused by any Woman, to be the Father of a Bastard Child, Begotten of her Body; she continuing Constant in such Accusation, being Examined upon Oath, and put upon the Discovery of the Truth in the Time of her Travail; shall be adjudged the Reputed Father of such Child, Notwithstanding his Denial; and stand charged with the Maintenance thereof, with the Assistance of the Mother; as the Justices in the Quarter Sessions shall Order; and give Security to perform the said Order; and to save the Town or Place where such Child is Born, free from Charge for it's Maintenance; and may be Committed to Prison, until he find Sureties for the same, unless the Pleas and Proofs made and produced on the behalf of the Man accused, and other Circumstances be such as the Justices shall see reason to Judg him Innocent, and acquit him thereof, and otherwise dispose of the Child. And every Justice of the Peace upon his Discretion, may Bind to the Next Quarter Sessions, him that is Charged, or Suspected, to have Begotten a Bastard Child: and if the Woman be not then Delivered, the Sessions may Order the Continuance, or Renewal of his Bond, that he may be forth-coming when the Child is Born.

Further it is Enacted by the Authority aforesaid

Power of the Justice of Peace.

That every Justice of the Peace in the County where the Offence is Committed, may cause to be Staid and Arrested all Affrayers, Rioters, Disturbers, or Breakers of the Peace, and such as shall Ride, or go Armed offensively before any of Their Majesties Justices, or other Their Officers or Ministers doing their Office, or elsewhere, by Night or by Day, in Fear or Affray of Their Majesties Liege People; and such others as shall Utter any Menaces or Threatning Speeches: And upon view of such Justice or Justices, Confession of the Party, or other Legal Conviction of any such Offence, shall Commit the Offender to Prison, until he find Sureties for the Peace and good Behaviour; and Seiz and Take away his Armour or Weapons, and shall cause them to be Apprized and Answered to the King, as Forfeited: And may further punish the Breach of the Peace in any person that shall Smite or Strike another, by Fine to the King, not exceeding Twenty Shillings; and Require Bond with Sureties for the Peace; or Bind the Offender over to answer it at the next Sessions of the Peace, as the Nature or Circumstance of the Offence may be; and may make Enquiry of forcible Entry and Detainer, and cause the same to be Removed; and make out Hue and Crys after Runaway Servants, Thiefs, and other Criminals.

Breach of the Peace.

Forcible Entry & detainer

And

And it is further Enacted by the authority aforesaid.

That if any person or persons of the Age of Discretion (which is accounted Fourteen Years, or Upwards) shall wittingly and willingly Make or Publish any Lye or Libel, tending to the Defamation or Damage of any particular person or persons; Make or Spread any False News, or Reports with intent to abuse and deceive others: Every such person or persons offending in any of the particulars before-mentioned, and being duly Convicted thereof, before one or more Justices of the Peace, shall be Fined according to the degree of such Offence; not exceeding the Sum of Twenty Shillings for the First Conviction; and find Sureties for the good Behaviour. And if the Party be unable to pay the said Fine, then to be Set in the Stocks, not exceeding Three Hours; or be corporally punished by Whipping, at the discretion of the Justice or Justices, before whom the Conviction shall be; according as the Circumstances or Nature of the Offence shall be. And the said Justice or Justices may Restrain and Commit the Offender, until he pay the said Fine, and find Sureties for the good Behaviour; Or may cause the Fine to be Levied by Distress and Sale of the Offenders Goods. And the Party or Parties grieved or injured by reason of any of the Offences aforesaid; shall or may take his or their Suit against any such Offender or Offenders in any Court of Record. Lying and Libelling.

It is further Enacted by the Authority aforesaid,

That if any person or persons upon his or their own Head or Imagination, or by false Conspiracy and Fraud with others, shall wittingly, subtilly, and falsely Forge or Make; or subtilly Cause, or wittingly Assent to be Forged or Made any False Deed, Conveyance, or Writing Sealed, or the Will of any person or persons in Writing, to the intent that the State of Freehold or Inheritance, Right, Title, or Interest of any person or Persons of, in, or to any Lands, Tenements or Hereditaments shall or may be Molested, Troubled, Defeated, Recovered or Charged; or shall as is aforesaid, Forge, Make, or Cause, or Assent to be Made, or Forged, any Obligation, or Bill Obligatory, Letter of Attourney, or any Acquittance, Release, or other Discharge of any Debt, Accompt, Action, Suit, Demand, or other thing personal; Or if any person or persons shall Pronounce, Publish, or Shew forth in Evidence, any such False and Forged Deed, Conveyance, Writing, Obligation, Bill Obligatory, Letter of Attorney, Acquittance, Release or Discharge, as true, Knowing the same to be False and Forged as is aforesaid, to the Intent above Remembred; and shall be thereof Convicted, either upon Action or Actions of Forger of False Deeds to be Founded upon this Act at the Suit of the Party grieved, or otherwise according to the Order and due Course of Law, or upon Bill or Information. That then every such Offender shall pay unto the Party grieved his double Costs and Damages, to be found and Assessed in such Court where the said Conviction shall be; and also shall be Set upon the Pillory in some Forgery.

Market Town, or other open Place, and there to have one of his Ears cut off, and also shall have and suffer Imprisonment by the space of one whole Year, without Bail or Mainprize. And the Party or Parties grieved by reason of any of the Offences aforesaid, may take his or their Suit against any such Offender or Offenders, in any Court of Record; where no Essoign, Injunction or Protection shall be allowed the Party Defendant.

Provided always, and it is Enacted by the Authority aforesaid, That this Act, or any thing therein contained, shall not extend to charge any Judge of Probate, or Register, with any the Offences aforesaid, for putting their Seal of Office to any Will to be Exhibited unto them, not knowing the same to be False or Forged, for Writing of the said Will or Probate of the same. Nor to any other Person or Persons that shall shew forth or give in Evidence any False or Forged Writing for true or good, being not party or privy to the Forging of the same, nor knowing the same to be False or Forged, any thing in this Act to the contrary notwithstanding.

And it is further Enacted and Ordained by the authority aforesaid.

Wilful Perjury.

If Any Person or Persons; either by the Subornation, unlawful procurement, reward, Sinister perswasion, or means of any other; or by their own Act, Consent, or Agrement, shall Wilfully and corruptly; commit any manner of Wilful Perjury, by his or their Deposition in any Court of Record, or being Examined *Ad Perpetuam rei memoriam*, That then every Person and Persons so Offending, and being thereof duely Convict, or Attainted By Law, shall for his or their Offence, Loose and Forfeit Twenty Pounds; the one Moity thereof, unto their *Majesties*, and the other Moity to such Person or Persons as shall be Grieved, hindred or Molested by reason of any such Offence, that shall Sue for the same by Action of Debt, Bill, Plaint, Information, or otherwise, in any Court of Record; in the which no Wager of Law, Essoign, Protection, or Injunction to be allowed: And also to have Imprisonment by the *Space* of Six Months, without Bail, or Mainprise. And the Oath of such Person or Persons so Offending, not to be received in any Court of Record, until such time as the Judgment given against the said Person or Persons, shall be reversed by attaint or otherwise; and upon every such reversal, the Parties agrieved to recover his or their Damages against all and every such Person & Persons, as did procure the said Judgment so reversed, to be given against them or any of them, by Action or Actions, upon his or their Case or Cases; according to the Course of the Common Law.

AND if it happen, the *Said* Offender or Offenders, so Offending, not to have any Goods or Chattels, to the Value of Twenty Pounds, that then He or they be Set on the Pillory by the space of one whole hour, in some Market Town where the Offence was Committed, or next adjoyning to the place, where the Offence was Committed; and to have both his Ears Nailed; and from thence forth to be discredited and disabled for ever to be sworn in any Court of Record, until such Time as the Judgment shall be reversed.

AND all and every person and persons who shall unlawfully and corrupt

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ly procure any Witneſs or Witneſſes, by Letters, Rewards, Promiſes, or by any other Siniſter and unlawful Labour or Means whatſoever; to Commit any wilful and corrupt Perjury, in any Matter or Cauſe whatſoever Depending, or that ſhall Depend in Suit and Variance, by any Writ, Action, Bill, Complaint, or Information in any Court of Record; or to Teſtifie *in perpetuam rei memoriam*: Every ſuch Offender, being thereof duely Convict, or Attainted by Law, ſhall for his or their Offence be proceeded againſt, and ſuffer the like Pains, Penalties, Forfeitures, and Diſability in all reſpects as above-mentioned.

And it is further Enacted by the authority aforeſaid,

That all the aforeſaid Forfeitures and Sums of Money ariſing for any Offence Mentioned in this Act, and every Branch thereof, and not otherwiſe diſpoſed of; ſhall be unto Their Majeſties, for and towards the Support of the Government of this Province, and the Incident Charges thereof.

An Act,

For the Puniſhing of Capital Offenders.

Be it Ordained and Enacted by the Governour Council and Repreſentatives in General Court aſſembled. And by the authority of the ſame.

That all and every of the Crimes and Offences in this preſent Act hereafter mentioned be and hereby are declared to be Felony.

And every Perſon and Perſons Committing any of the ſaid Crimes or Offences, being thereof Legally Convicted, ſhall be Adjudged to Suffer the Pains of Death.

Idolatry.

IF any Man ſhall have or Worſhip any other god, but the TRUE GOD, he ſhall be put to death.

If

Witchcraft

If any Man or Woman be a WITCH; that is, hath or conſulteth with a Familiar Spirit, they ſhall be put to death.

Blaſphemy

If any perſon ſhall preſume to Blaſpheme the Holy Name of GOD, FATHER, SON, or HOLY GHOST, either by wilful or obſtinate denying the True God or His Creation, or government of the World, or ſhall Curſe God in like manner, or Reproach the Holy Religion of God, as if it were but a Politick Device to keep Ignorant people in Awe, or ſhall utter any other kind of Blaſphemy of the like nature or degree; he ſhall be put to death.

High Treaſon

If any perſon or perſons ſhall compaſs or imagine the Death of Our Soveraign Lord the King or of Our Lady the Queen, or ſhall Levy War againſt Our ſaid Lord and Lady the King and Queen, or adhere unto Their Enemies, giving to them aid and comfort, and thereof be attainted or convicted of open Deed by their Peers upon the Teſtimony and Depoſition of Two lawful and credible Witneſſes on Oath, brought before the Offender Face to Face, at the time of his Arraignment; or Voluntary confeſſion of the Party Arraigned: Then every ſuch perſon and perſons ſo as aforeſaid Offending ſhall be deemed, declared

red, and adjudged to be Traitors, and ſhall ſuffer the Pains of death, and alſo Loſe and Forfeit as in caſes of High-Treaſon.

If any perſon ſhall commit Wilful-Murder upon premeditated Malice, Hatred, Cruelty, or ſudden Heat of Anger: Every ſuch perſon ſhall be put to death. Murder

If any perſon ſhall Slay another through Guile, either by Poyſoning, or other Devilliſh Practice; every ſuch perſon, their Aiders, Abettors, Procurors, and Councellors, ſhall ſuffer death, as in caſe of Wilful-Murder. Poyſoning

If any Woman be delivered of any Iſſue of her body, Male or Female, which if it were born alive, ſhould by Law be a Baſtard; And that ſhe endeavour privately, either by Drowning, or ſecret Burying thereof, or any other way; either by her ſelf, or the procuring of others, ſo to conceal the death thereof, that it may not come to light, whether it were Born alive or not, but be concealed. In every ſuch caſe the Mother ſo Offending, ſhall ſuffer death as in caſe of Murder, Except ſuch Mother can make proof by one Witneſs at the leaſt, that the Child whoſe death was by her ſo intended to be concealed, was born dead. Concealment of the Death of a Baſtard Child, puniſht as in caſe of Murder.

If any Man lieth with MANKIND, as he lieth with a Woman, they both ſhall be put to death. Sodomy.

Beſtiality. If any Man or Woman have carnal Copulation with any BEAST, or Bruit-Creature, they ſhall be put to death, and the Beaſt ſhall be ſlain and burned.

Inceſt *Levit.* 20. 11,12. &c. If any Perſons commit Inceſt in any of the particular inſtances, made capital by the Law of God, they ſhall be put to Death.

Rape If a Man ſhall Ravish any Woman committing carnal copulation with her by force, againſt her will, he ſhall be put to death.

If any Man ſhall unlawfully and carnally know and abuſe any Woman child, under the age of Ten Years, every ſuch unlawful and carnal knowledge ſhall be Felony: And the Offender thereof, being duly convict ſhall ſuffer as a Felon.

Burning If any Perſon of the Age of Sixteen Years, and upwards, ſhall VVittingly VVillingly and Feloniouſly Burn or cauſe to be Burned any Dwelling Houſe, Meeting-Houſe, Store-houſe, or Ship, or ſhall in like manner ſet on Fire any Out-houſe, Barn, Stable, Stack of Hay, Corn or Wood; Whereby any Dwelling-houſe, Meeting-houſe Store-houſe, or Ship, ſhall happen to be Burned: Every ſuch Offender ſhall be put to death.

Piracy If any ſhall Piratically and Feloniouſly Seiz any Ship or other Veſſel, whether in the Harbour,

bour, or on the High Seas; Or ſhall Riſe up in Rebellion againſt the Maſter, Officer, Merchant or Owner of any ſuch Ship, or other Veſſel and Goods, and Diſpoil and Diſpoſſeſs them thereof and Exclude the right Owners or thoſe betruſted on their hehalf, Every ſuch Offender together with their Complices, being Legally Convicted thereof, ſhall be put to death.

Provided always that any of ſuch Company (who through fear or force have been deemed to comply with ſuch wicked Action) ſhall upon their firſt Arrival in any Port or Harbour ſpeedily repair to ſome Juſtice of the Peace and make Diſcovery of ſuch Piracy, they ſhall not be liable to the aforeſaid Penalty of Death.

This Act Disallowd.

An Act

An Act,

For the Suppreſſing of Unlicenſed Houſes, and the due Regulation of ſuch as are, or ſhall be Licenſed.

None to keep a houſe of common Entertainment, or Sell ſtrong Drink publickly or privately without Licence on penalty of forty ſhillings.

Be it Ordained and Enacted by the Gover. nour, Council and Repreſentatives Convened in General Court, and by the Authority of the ſame.

That no perſon or perſons whatſoever (other than ſuch as upon producing Certificate from the Select-men of the Town where they dwell, or who ſhall be otherwiſe thought fit by the Juſtices themſelves, ſhall be Licenſed by the ſaid Juſtices in Quarter Seſſions) may preſume to be a common Victualler, Inn-holder, Taverner, or Seller of Wine, Beer, Ale, Cyder or ſtrong Liquors by Retail: Nor ſhall any preſume without ſuch Licence, to Sell Wine or Strong Liquors privately by a leſs Quantity than a Quarter Cask, and that delivered and carried away all at one time: On pain of Forfeiting the Sum of Forty Shillings for every ſuch Offence upon due Conviction thereof; One half thereof to the Informer, and the other half to the uſe of the Poor of the Town where ſuch Offence is committed. And upon a Second Conviction, beſides the Forfeiture of Forty Shillings as aforeſaid, ſhall Enter into Recognizance with one or more Sureties for the good Behaviour, eſpecially not to Tranſgreſs the Law in that Reſpect.

One half to the Informer and the other to the uſe of the poor.

Upon ſecond conviction to give bond for the good behaviour.

Be it further Enacted by the Authority aforeſaid,

Licences to be renewed yearly & bond given

That all Licences be Renewed yearly, and Bond given for the due Obſervance of the ſame, and of the Laws, and that the Perſon Licenſed, ſhall uſe his Licence in ſuch Houſe as ſhall be therein named, and no other.

Juſtices may grant Licenſe without Certificate of the Select-men upon notice given.

And if the Juſtices in Quarter Seſſions ſhall think fit to Licence any perſon or perſons not preſenting a Certificate as aforeſaid from the Select-men, the Clerk of the Seſſions, before granting Licence to any ſuch, ſhall ſignifie the name and deſire of every ſuch perſon unto the Select-men of the Town where ſuch perſon dwells, one month before-hand, that ſo they may have opportunity and liberty to offer their Objections againſt it, if any ſhall be.

And foraſmuch as the ancient, and principal uſe of Inns, Taverns, Ale-Houſes, Victualling-Houſes, and other Houſes for common Entertainment is for the Receipt, Relief and Lodging of Travellers and Strangers, and the Refreſhment of perſons upon lawful Buſineſs; or for the neceſſary ſupply of the wants of ſuch poor perſons as are not able by greater Quantities to

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make their proviſion of Victuals, and are not intended for Entertainment and Harbouring of Lewd or Idle People to ſpend or conſume their Money or Time there: Therefore to prevent the Miſchiefs and great Diſorders happening daily by the abuſe of ſuch Houſes:

It is further Enacted by the Authority aforeſaid.

Games and Gaming forbidden in Publick-houſes, on pain of Forty Shillings.

That no Taverner, Inn-keeper, Ale-houſe-keeper or Victualler, ſhall have or keep in or about their Houſes, Out-houſes, Yards, Backſides, Gardens or Places to them belonging, any Dice, Cards, Tables, Bowls, Shuffleboard, Billiards, Coyts, Cales, Logats, or any other Implements uſed in Gaming; nor ſhall ſuffer any perſon or perſons Reforting unto any of their Houſes, to Uſe or Exerciſe any of the ſaid Games, or any other unlawful Game or Sport within their ſaid Houſes, or any of the Dependences as aforeſaid, or Places to them belonging; On pain of Forfeiting the Sum of Forty Shillings for every ſuch Offence, upon due Conviction thereof; the ſaid Fine to be diſpoſed of as aforeſaid. And every perſon convicted of Playing as aforeſaid in any ſuch Houſe or Dependences thereof, ſhall Forfeit the Sum of Six Shillings and Eight Pence, to be diſpoſed of as aforeſaid.

Penalty on Gameſters

And further it is Enacted by the authority aforeſaid.

Penalty for refuſing to giveEvidence againſt perſons Selling without Licence.

That any perſon duly Summoned to give in Evidence reſpecting the Breach of this Act, in any of the Branches thereof, (other than the party himſelf, his Children or Servants) that ſhall refuſe to give in upon his Oath when ſo required, what he knows relating to the Premiſes, ſhall Forfeit Forty Shillings to the uſe of the poor of the Town as aforeſaid.

And it is further Enacted by the Authority aforeſaid.

One Juſtice may hear & determine all Offences againſt this Act.

That every Juſtice of the Peace in the County where he dwells, as well as the Juſtices in Quarter Seſſions, are hereby reſpectively Impowred to hear and determine all Offences againſt this Act, and may Commit the Offender to Priſon, until he pay the ſaid Fine, and Enter into Recognizance as aforeſaid for the good Behaviour; Or may cauſe the Fine to be Levied by Diſtreſs and Sale of the Offenders Goods, returning the Overplus, if any be.

An Additional

Act,

For Impoſt and Exciſe.

Be it Enacted by the Governour, Council and Rpreſentatives in General Court aſſembled, And by the authority of the ſame

That there ſhall be paid by the Importer, for all Wines Imported into this Province not particularly named, and mentioned in an Act Entituled, *An Act for Impoſt, Exciſe and Tonnage of Shipping*, made at the firſt Seſſions of this Court, the Sum of Ten Shillings *per* Hogſhead, and ſo proportionably for greater or leſſer quantities. And that there be paid by thoſe that Sell any of the ſaid Wines by Retail, the Sum of ſix-pence *per* Gallon Exciſe, and ſo proportionably for greater or leſſer quantities. And to be under the ſame Regulation, Inſpection and Forfeitures as is provided by ſaid Act; & the ſaid payments to be made unto the Commiſſioners appointed for the Receiving of the Rates and Duties therein mentioned. This preſent Act to remain and continue in force only during the time ſet for continuance of the Act before Recited, and no longer.

An Act,

For the better Obſervation and Keeping the Lords-Day.

Be it Enacted and Ordained by the Gobernour, Council and Repreſentatives Convened in General Court or Aſſembly, and it is Enacted by the Authority of the ſame.

That all and every Perſon and Perſons whatſoever, ſhall on that Day carefully apply themſelves to Duties of Religion and Piety, publickly and privately; and that no Tradeſ-man, Artificer, Labourer, or other perſon whatſoever, ſhall upon the Land or Water, Do or Exerciſe any Labour,

Labour, Buſineſs, or Work of their ordinary Callings; nor uſe any Game, Sport, Play or Recreation on the Lords-Day, or any part thereof; (Works of Neceſſity and Charity only excepted) upon pain that every Perſon ſo Offending ſhall Forfeit Five Shillings. Labour and Sports Prohibited on penalty of Five Shillings

Further it is Ordered and Declared,

That no Traveller, Drover, Horſe-Courſer, Waggoner, Butcher, Higler, or any their Servants, ſhall Travel on that Day, or any part thereof, except by ſome adverſity they were Belated and forced to Lodge in the Woods, Wilderneſs, or High-ways, the night before; and in ſuch caſe, to Travel no further than the next Inn or Place of Shelter, on that Day, upon the penalty of Twenty Shillings. Travelling prohibited on penalty of Twenty Shillings.

Further it is Ordered,

That no Vintner, Inn-holder, or other Perſon keeping any Publick-houſe of Entertainment, ſhall Entertain or Suffer any of the Inhabitants of the Reſpective Towns where they Dwell, or others not being Strangers or Lodgers in ſuch Houſes, to abide or remain in their Houſes, Yards, Orchards or Fields Drinking, or idly ſpending their time on *Saturday* night after the Sun is Set, or on the *L*ords-Day, or the Evening following; upon the pain and penalty of Five Shillings for every perſon, payable by themſelves reſpectively that ſhall be found ſo Drinking or Abiding in any ſuch Publick Houſe or Dependences thereof as aforeſaid; and the like Sum of Five Shillings to be paid by the Keeper of ſuch Houſe, for every perſon Entertained by them. Publick houſes not to entertain any others than Strangers & Lodgers on penalty of Five Shillings for every perſon.

And for the better Execution of all and every the foregoing Orders, every Juſtice of the Peace within his County ſhall have Power and Authority to Convent before them, any perſon or perſons, who ſhall offend in any of the particulars before mentioned, and upon his own view, or other legal Conviction of any ſuch Offence, to impoſe the Fine and Penalty for the ſame, and to Reſtrain or Commit the Offender until it be ſatisfied; or to cauſe the ſame to be Levied by Diſtreſs and Sale of the Offenders Goods, returning the Over-plus (if any be) and in caſe any ſuch Offender be unable or refuſe to ſatisfie ſuch Fine, to cauſe him to be put in the Cage or ſet in the Stocks, not exceeding three hours: All Fines and Penalties accruing by this Act, to be to the benefit and relief of the Poor of ſuch Town where the Offence is committed; and delivered into the hands of the Select-men, or Overſeers of the poor for that end. One Juſtice of the Peace may hear & determin any breach of this Act. Fines for breach of this Act to be to the uſe of the poor.

And all Maſters and Governours of Families are hereby required to take effectual care that their Children, Servants and others under their immediate Government, do not tranſgreſs in any of the foregoing particulars.

And all and every Juſtices of the Peace, Conſtables and Tything-men are required to take effectual care and endeavour that this Act in all the particulars thereof be duly obſerved; as alſo to reſtrain all perſons from Swimming in the water, unneceſſary and unſeaſonable walking in the Streets or Fields in the Town of *Boſton*, or other places, keeping open their Shops, or following their Secular Occaſions or Recreations in the Evening preceding the Lords-Day, or on any part of the ſaid Day or Evening following. Juſtices, Conſtables &c. required to ſee that this Act be obſerved.

And all perſons are ſtrictly required to be obedient to, and aiding and aſſiſting ſuch Juſtices, Conſtables and other Officers herein, as they will anſwer the contrary at their Peril.

An

An Act,

For Prevention of Common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, &c. Tallow Chandlers, and Curriers.

Be it Ordained and Enacted by the Governour, Council and Repreſentatives Convened in General Court or Aſſembly, and by the Authority of the ſame,

That the Select-Men of the Towns of *Boſton*, *Salem* and *Charlſtown* Reſpectively, or other Market-Towns in the Province; with two or more Juſtices of the Peace Dwelling in the Town, or two of the next Juſtices in the County, ſhall at or before the laſt day of *March*, One Thouſand Six Hundred Ninety Three, Aſſign ſome certain places in each of ſaid Towns (where it may be leaſt offenſive) for the Erecting or Setting up of Slaughter-Houſes, for the Killing of all Meat; Still-Houſes, & Houſes for Trying of Tallow, & Currying of Leather (which Houſes may be Erected of Timber, the Law referring to Building with Brick or Stone notwithſtanding) And ſhall cauſe an Entry to be made in the Town-Book, of what places ſhall be by them ſo Aſſigned, and make known the ſame by Poſting it up in ſome Publick Places of the Town. At which Houſes and Places reſpectively, and no other, all Butchers and Slaughter-men, Diſtillers, Chandlers and Curriers ſhall Exerciſe and Practice their Reſpective Trades and Myſteries; on pain that any Butcher or Slaughter-man tranſgreſſing of this Act, by Killing of Meat in any other place, for every Conviction thereof before one or more Juſtices of the Peace, ſhall Forfeit and Pay the Sum of Twenty Shillings. And any Diſtiller, Chandler or Currier offending againſt this Act, for every Conviction thereof before Their Majeſties Juſtices at the General Seſſions of the Peace for the County, ſhall Forfeit and Pay the Sum of Five Pounds; one third part of ſaid Forfeitures to be to the uſe of Their Majeſties, for the Support of the Government of the Province, and the Incident Charges thereof; one Third to the Poor of the Town, where ſuch Offence ſhall be Committed; and the other Third to him or them that ſhall Inform and Sue for the ſame.

Slaughter-Houſes, Still-Houſes, &c. to be in certain places aſſigned, & no other.

And for preventing of Cruelty to Bruit Creatures.

It is further Enacted by the Authority aforeſaid.

That all Calves, Sheep or Lambs brought alive to the Market, ſhall be either

Cruelty to bruit Creatures forbidden.

either driven; or carried in Carts, Sleds, Panyers or Boats, and not otherwiſe; on pain of Forfeiting of all Calves, Sheep or Lambs paſſing towards, or brought alive to the Market, laid acroſs, or hanging by the ſides of Horſes, (as has been uſual) or in any other way contrary to the true Intent of this Act: One half of all ſuch Forfeitures to be unto the Informers, who ſhall Seiz and Proſecute for the ſame; and the other Moity to the uſe of the Poor of the Town, where ſuch Seizure ſhall be made, to be diſtributed by the Select-men or Overſeers of the Poor.

And all Select-men, Overſeers of the Poor, Conſtables, Tythingmen and other Officers in any Town upon their own view, or Information of any Tranſgreſſion of this Act within their reſpective Precincts, ſhall and hereby are Impowred to Seiz or cauſe to be Seized all Calves, Sheep or Lambs that ſhall be carrying or brought alive to the Market, in any other way than is before Directed. And upon due proof thereof, made before one or more Juſtices of the Peace, ſhall be Forfeited, and the ſame or the value thereof be diſpoſed of as aforeſaid.

And all Veal or other Meat expoſed to Sale, that ſhall be blown up or winded, ſhall be alike Forfeited and Diſpoſed of.

An Act,

For Affirming of former Judgments, and providing for Executions.

WHEREAS upon Tryals had in the late Courts of Judicature within the ſeveral Colonies, now by Their Majeſties Royal Charter United and Incorporated into one Province, by the name of the Province of the *Maſſachuſetts-Bay*, ſeveral Judgements were obtained, of which Execution remains to be done, and ſome others are depending by Appeal, according to the courſe and practice of the Courts then in being. To the end that there be no failure of Juſtice for want of a due courſe of Law, for the Proſecuting, Obtaining and Levying of the ſame.

Be it Enacted and Ordained by the Governour, Council and Repreſentatives Convened in General Court or Aſſembly, and by the Authority of the ſame,

That where any Appeal, as aforeſaid, is depending, having not been heard; every ſuch Appellant ſhall have a Summons from the Clerk of

the Superiour Court, unto the adverſe party, to be Served upon him ſeven days inclusive before the Courts Sitting, Requiring him to appear at the firſt Superiour Court, to anſwer the ſaid Appeal; where the ſame ſhall be Heard and Tryed according to former Uſage upon the firſt Evidence and no other: And the Judgement to be Affirmed or Reverſed as the Caſe ſhall there be Judged upon Tryal. And if the Appellant neglect to Appear or Proſecute his Appeal, the former Judgement ſhall be Affirmed, and Execution Awarded accordingly.

And it is further Enacted by the Authority aforeſaid

That where Judgement has paſſed in any County Court, or Court of Commiſſioners, and Execution has not been Taken out and Levied for ſatisfying of the ſame; the Party for whom any Judgement was ſo given his Executors or Adminiſtrators ſhall have a Writ of *Scire Facias* from the Clerk of the Inferiour Court of Pleas, within the ſame County, in which ſuch Judgement was obtained, unto the Adverſe Party to appear before ſaid Court, to ſhew cauſe (if any there be) why Execution ſhould not Iſſue forth. And in caſe of Non Appearance, or that ſufficient cauſe be not ſhewn to the Court, the former Judgement ſhall be affirmed, and Execution granted accordingly, the Coſts of this Tryal to be added unto the ſame. Provided, that the ſaid Writ of *Scire Facias* be Served ſeven days inclusive before the Courts Sitting.

And be it further Enacted by the Authority aforeſaid.

No Execution after one year expired, to be granted without a *Scire facias.*

That after one year Expired next after giving Judgement in any Court of Record within this Province, no Execution for ſuch Judgement ſhall be Iſſued out, until a Writ of *Scire Facias* hath been Granted out of the ſame Court, and Served upon the Adverſe Party, as is before directed, or left by the Sheriff, his Under-Sheriff or Deputy, at his Dwelling, or Place of uſual and laſt Abode, requiring him to appear and ſhew cauſe (if any he have) why Execution ought not to be done. And upon his Non Appearance, or not ſhewing of ſufficient cauſe as aforeſaid; The Court ſhall thereupon Award Execution.

An

An Act,

For the Orderly conſummating of Marriages.

Be it Ordained and Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame,

Juſtices or Miniſters reſpectively to Solemnize Marriages

That every Juſtice of the Peace within the County where he reſides; and every Setled Miniſter in any Town, ſhall and are hereby reſpectively Impowred and Authorized to Solemnize Marriages, within their Reſpective Towns and Counties, betwixt Perſons that may lawfully Enter into ſuch Relation, having the conſent of thoſe whoſe immediate care and Government they are under, and being likewiſe firſt Publiſhed by asking their Banns at three ſeveral Publick Meetings in both the Towns where ſuch Parties reſpectively Dwell; or by Poſting up their Names and Intention at ſome publick place in each of the ſaid Towns, fairly written, there to ſtand by the ſpace of Fourteen Days, and producing Certificate of ſuch Publiſhment under the Hand of the Town Clerk or Conſtable of ſuch Towns reſpectively.

Publiſhment how to be made.

And the Fee to be paid for every Marriage, ſhall be Three Shillings; and for Publiſhment and Certificate thereof, One Shilling.

Fee for Marriage, &c.

And be it further Enacted

Penalty for pulling down publiſhments

That whoever ſhall preſume to deface or pull down any ſuch Publiſhment, poſted up in Writing, before the Expiration of the time, ſhall be Fined to the uſe of the Poor of the Town, the Sum of Ten Shillings, being Convicted thereof, before one or more Juſtices of the Peace: And if the Party be unable to pay the ſaid Fine, then to be Set in the Stocks one whole Hour.

Marriages to be Regiſtred.

And every Juſtice and Miniſter ſhall keep a particular Regiſter of all Marriages Solemnized before any of them, and make a Return thereof at the end of each Quarter of a year unto the Clerk of the Seſſions of the Peace within the ſame County, to be by him Regiſtred; who is hereby Impowred thereto, and ſhall be paid by every ſuch Juſtice and Miniſter, Three-Pence for each Marriage ſo Returned.

And it is further Enacted by the Authority aforeſaid.

Divorce

That all Controverſies concerning Marriage and Divorce, ſhall be Heard and Determined by the Governour and Council.

An

An Act,

For the Setlement and Support of Miniſters and School-Maſters.

Be it Ordained and Enacted by the Governour, Council and Repreſentatives Convened in General Court or Aſſembly, and by the Authority of the ſame.

That the Inhabitants of each Town within this Province, ſhall take due care from time to time, to be conſtantly provided of an Able, Learned Orthodox Miniſter or Miniſters, of good Converſation, to Diſpenſe the Word of God to them; which Miniſter or Miniſters ſhall he ſuitably Encouraged and ſufficiently Supported and Maintained by the Inhabitants of ſuch Town. And all Contracts, Agreements and Orders heretofore made, or that ſhall hereafter be made by the Inhabitants of any Town within this Province, reſpecting their Miniſters or School-Maſters, as to their Settlement or Maintainance, ſhall remain good and valid according to the true Intent thereof, the whole time for which they were or ſhall be made, in all the particulars thereof, and ſhall accordingly be purſued, put in Execution and Fulfilled. And where there is no Contract and Agreement made in any Town reſpecting the Support and Maintainance of the Miniſtry; or when the ſame happens to be Expired, and the Inhabitants of ſuch Town ſhall neglect to make ſuitable proviſion therein; Upon Complaint thereof made unto the Quarter Seſſions of the Peace for the County where ſuch Town lies; the ſaid Court of Quarter Seſſions ſhall, and hereby are Impowred to Order a Competent Allowance unto ſuch Miniſter according to the Eſtate & Ability of the Town: the ſame to be Aſſeſſed upon the Inhabitants by Warrant from the Court, directed to the Select-men, who are thereupon to proceed to make and proportion ſuch Aſſeſsment in manner as is directed for other Publick Charges, and to cauſe the ſame to be Levied by the Conſtables of ſuch Town, by Warrant under the Hands of the Select-men; or of the Town Clerk by their Order.

Contracts & Agreements to be made good

Neglect of making ſuitable proviſion for Miniſters to be redreſſed by the Quarter Seſſions

Be it further Enacted by the authority aforeſaid.

That where any Town ſhall be deſtitute of a Miniſter qualified as aforeſaid, and ſhall ſo continue by the ſpace of ſix Months, not having taken due care for the procuring, Setling and Encouragement of ſuch Miniſter, the ſame being made to appear upon Complaint unto Their Majeſties Juſtices at

The Court of Quarter Seſſions to take care that no Town be deſtitute of a Miniſter.

at the General Seſſions of the Peace for the Connty, the ſaid Court of Quarter Seſſions ſhall, and hereby are Impowred to make an Order upon every ſuch defective Town, ſpeedily to provide themſelves of ſuch Miniſter as aforeſaid, by the next Seſſions at the furtheſt; and in caſe ſuch Order be not complied with, then the ſaid Court ſhall take effectual care to procure and Settle a Miniſter quallfied as aforeſaid, and Order the Charge thereof and of ſuch Miniſters Maintainance to be Levied on the Inhabitants of ſuch Town.

And it is further Enacted by the Authority aforeſaid,

That the Reſpective Churches in the ſeveral Towns within this Province, ſhall at all times hereafter, Uſe, Exerciſe and Enjoy all their Priviledges and Freedoms reſpecting Divine Worſhip, Church-Order and Diſcipline. And ſhall be Encouraged in the peaceable and regular Profeſſion and Practice thereof. Churches to enjoy their Priviledges & Freedoms.

And further it is Enacted,

That every Miniſter being a perſon of good Converſation, Able, Learned and Orthodox, that ſhall be Choſen by the major part of the Inhabitants in any Town, at a Town-Meeting duly warned for that purpoſe, (notice thereof being given to the Inhabitants fifteen days before the time for ſuch Meeting,) ſhall be the Miniſter of ſuch Town; and the whole Town ſhall be obliged to pay towards his Settlement and Maintainance, each man his ſeveral proportion thereof. Miniſters Choſen by the major part of the Inhabitants, to be the Miniſter of ſuch Town.

And it is further Enacted by the Authority aforeſaid,

That every Town within this Province, having the Number of Fifty Houſe-holders or upwards, ſhall be conſtantly provided of a School-Maſter to Teach Children and Youth to Read and Write. And where any Town or Towns have the number of One Hundred Families or Houſholders, there ſhall alſo be a Grammar School ſet up in every ſuch Town, and ſome diſcreet perſon of good Converſation well Inſtructed in the Tongues procured to keep ſuch School. Every ſuch School-Maſter to be ſuitably Encouraged and Paid by the Inhabitants. School for Reading and Writing. Grammar School.

And the Select-men and Inhabitants of ſuch Towns reſpectively ſhall take effectual care and make due proviſion for the Settlement and Maintenance of ſuch School-Maſter and Maſters. School-maſters to be Supported

And if any Town Qualified as before expreſt, ſhall neglect the due Obſervance of this Act, for the Procuring & Settling of any ſuch School-Maſter as aforeſaid, by the ſpace of one year. Every ſuch Defective Town ſhall incur the penalty of Ten Pounds for every Conviction of ſuch Neglect, upon Complaint made unto Their Majeſties Juſtices in Quarter Seſſions for the ſame County, in which ſuch Defective Town lieth; which penalty ſhall be toward the Support of ſuch School or Schools within the ſame County, where there may be moſt need, at the diſcretion of the Juſtices in Quarter Seſſions; to be Levied by Warrant from the ſaid Court of Seſſions in proportion upon the Inhabitants of ſuch Defective Town, as other Publick Charges, and to be paid unto the County Treaſurer. Penalty for Neglect.

An Act,

For the Settlement of the Bounds, and Defraying of the Publick and Neceſſary Charges ariſing within each Reſpective County in this Province.

Be it Ordained and Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the authority of the ſame

Counties to continue as formerly

That all Counties as they now lye, and are named, continue and remain diſtinct Counties to all intents and purpoſes in the Law whatſoever. And that there be a County Treaſurer annually Choſen for each Reſpective County, being a Freeholder within the ſame; and to be Choſen by the Votes of the Freeholders, and other Inhabitants of each Reſpective Town, duly qualified as is Provided by the Act for the Choice of Select-men, and other Town Officers; and at the ſame time, ſuch Votes to be given in Writing, and Sealed up by the Conſtable, by him to be kept and returned unto the next Quarter Seſſions, to be held for ſaid County, there to be Opened and Sorted by ſuch as the Court ſhall Appoint, in preſence of the Juſtices; and the Perſon having the Majority of ſaid Votes, ſhall be Treaſurer of ſuch County for that year, and be Sworn before ſaid Court.

Choice of County Treaſurer

And for the due and equal Raiſing of Monies for Defraying of the Charges ariſing within each Reſpective County for the neceſſary Repairs and Amendment of Bridges, Priſons, the Maintainance of poor Priſoners, and all other proper County Charges:

It is further Enacted by the Authority aforeſaid.

County Charges, how to be defrayed.

That when and ſo often from time to time as there ſhall be need of raiſing Mony for the ends aforeſaid, in any County; the Juſtices in Quarter Seſſions for ſuch County, receiving Information thereof from the County Treaſurer, ſhall agree and determine the whole Sum to be Raiſed, and each Reſpective Towns proportion of the ſame, as near as may be according to the Rule for Raiſing of Money for the Province Charges, and ſhall Iſſue forth their Order unto the Select-men of the Reſpective Towns to Aſſeſs the ſame upon the Inhabitants of ſuch Town, each one his due and equal proportion thereof according to the Rule before mentioned, as near as may be, to be paid in Money, or Equivalent thereto; and to make a diſtinct

distinct List of each persons name and proportion, under their Hands; and such List Commit unto the Constable or Constables of such Town, with a Warrant Signed by the Town Clerk, directed unto the said Constable or Constables to *Levy* and Collect the said Assessment of each one his respective proportion: And to pay in their said Collections unto the County Treasurer, or his Order, within the time set for the same: And to make distress upon every person neglecting or refusing to make payment: And in default of Goods or Chattels whereon to make Distress, to Commit the Party to the Common Goal of the County, until he make payment, or otherwise be Released by the Justices in Quarter Sessions. And if any person or persons think themselves Over-Rated in any such Assessment, they shall be Eased by the Assessors, making the same to appear; or in default thereof, by the Court of Quarter Sessions.

And further it is Enacted

That all Monies so Collected, be Improved and Imployed for the Ends within mentioned, as the Court of Quarter Sessions shall from time to time hy their Order in Writing, direct and appoint. And the County Treasurer in each respective County, shall Accompt unto the Court of Quarter Sessions, or whom they shall Appoint, for all his Receipts and Payments.

An Act

For Regulating of Townships, Choice of Town-Officers, and Setting forth their Power.

Be it Ordained and Enacted by the Governour, Council and Representatives in General Court Assembled, and by the authority of the same

Bounds of Townships to contiue as heretofore Granted & Setled.

That the Bounds of all Townships shall be, and continue as heretofore Granted and Settled respectively, and shall be run betwixt Town and Town, and Marks Renewed once in three years, by two of the Select-men of each Town, or any other two persons whom the Select-men shall Appoint; the Select-men of the most ancient Town to give Notice unto the Select-men of the next adjacent Towns, of the time and place of Meeting for

And to be run, and Marks Renewed once in 3 years under a penalty.

for ſuch Perambulation, ſix days before-hand, on pain of Forfeiting Five Pounds by the Select-men of any Town, that ſhall Neglect their Duty in any of the particulars aforeſaid: Two Thirds thereof unto the uſe of the Poor of ſuch Town; and the other Third unto the Select-Men of any of the next adjacent Towns, that ſhall Inform and Sue for the ſame, in the Inferiour Court of Pleas within the ſame County, to be Recovered by Action or Information.

And be it further Enacted by the authority aforeſaid

Proprietors of Lands unfenced or in common Fields to run the Lines once in two years.

That each Proprietor of Lands lying Unfenced, or in any common Field, ſhall once in two years, on ſix days warning before given him, by the next Proprietor or Proprietors adjoyning, run the Lines, make and keep up the Bounds between them, by ſufficient met-Stones; on pain that every Party ſo neglecting or refuſing, ſhall Forfeit the Sum of Ten Shillings: one half to the party moving, & the other half to the uſe of the Poor of the Town, being Convented & Convicted of ſuch Neglect or Refuſal, before any Juſtice of the Peace within the ſame County, who is hereby Impowred to Hear and Determine the ſame.

And further it is Enacted by the authority aforeſaid

Some more Lands, how to be improved.

That the Proprietors of the Undivided or Common Lands within each Town and Precinct in this Province, where the ſame have been heretofore Stated, each ones proportion being known, ſhall, and hereby are Impowred to Order, Improve or Divide in ſuch way and manner as ſhall be concluded and agreed upon by the major part of the Intereſted; the Voices to be Collected and Accounted according to the Intereſts. And the Proprietors of all Undivided or Common Lands not ſtated and proportioned as aforeſaid; ſhall, and hereby are Impowred to Manage, Improve, Divide or Diſpoſe of the ſame as hath been, or ſhall be concluded and agreed on by the major part of ſuch Proprietors. That no Cottage or Dwelling-place in any Town, ſhall be admitted to the priviledge of Commonage for Woods, Timber and Herbage, or any other the priviledges which lie in Common in any Town, or Peculiar, other than ſuch as were Erected or Priviledged by the Grant of ſuch Town or Peculiar before the Year *One Thouſand Six Hundred Sixty One*, or that have been ſince, or ſhall hereafter be Granted by the Conſent of any Town or Peculiar.

AND WHEREAS it has been a continued practice and cuſtome in the ſeveral Towns within this Province, annually to Chooſe Select-men or Townſmen, for the ordering and managing of the prudential Affairs of ſuch Town, and other Town-Officers for the Executing of other matters and things, in the Laws appointed by them to be done and performed.

Be it further Ordained and Enacted by the authority aforeſaid

Qualification of Voters in Town-Meetings.

That the Freeholders and other Inhabitants of each Town Ratable at Twenty Pounds Eſtate, to one ſingle Rate beſides the Poll; ſhall ſome time in the Month of *March* annually meet and convene together upon Notice given by the Conſtable or Conſtables of ſuch Town, or ſuch o-

thers

thers as the Select-men or Towns-men shall appoint, to give Notice of such Meeting, and the time and place for the same: And by the Major Vote of such Assembly, then and there shall Choose Three, Five, Seven, or Nine Persons, Able and Discreet, of good Conversation, Inhabiting within such Town, to be Select-men or Townsmen, and Overseers of the Poor, where other persons shall not be particularly Chosen to that Office (which any Town may do as they shall find it necessary and convenient) as also to Nominate and Choose a Town-Clerk, who shall be Sworn truly to Enter and Record all Town-Votes, Orders, Grants and Divisions of Land, made by such Town, and Orders made by the Select-men; a Commissioner for Assessments, Constables, Surveyers of High-ways, Tything-men, Fence-viewers, Clerks of the Market Sealers of Leather, and other ordinary Town Officers. And the Town-Clerk, or two of the Select-men, shall forthwith make, and give out unto the Constable or Constables of such Town, a List of the Names of those that shall be then Chosen to the Office of Town Clerk, Constables, Tything-men, Clerks of the Market, Sealers of Leather, and other Officers, of whom an Oath is by Law required; which Constable or Constables within the space of six days at furthest, shall Summon each of them respectively to appear before the Quarter Sessions, if then Sitting, or one of the next Justices of the Peace, to be Sworn to the faithful Discharge of their Respective Offices and Trust, on penalty of Twenty Shillings to the use of the Poor of the Town, to be paid by each Constable neglecting of his Duty in that behalf, upon Conviction thereof before one Justice of the Peace; and upon Non Payment, to be Levied by Distress. PROVIDED, That no Person in Commission for any Office, Civil or Military, Church-Officer, or Member of the House of Representatives for the time being, nor any other who has Served as Constable within the space of seven years before, shall be Chosen to the Office of Constable.

Select-men, Constables and other Town-Officers to be annually Chosen in *March*

Town Clerk to be under Oath.

Constables to Summon Town Officers to be Sworn under a penalty.

Persons exempted from Serving as Constables.

It is further Enacted by the Authority aforesaid,

That the Freeholders and Inhabitants qualified as in this Act is mentioned in each Respective Town, in any Town-Meeting, orderly warned according to the Usage in such Town, or the major part so Assembled, or the Select-men having Instructions given them in Writing by the Town for that purpose; Be, and hereby are Impowred from time to time to make and agree upon such necessary Rules, Orders and By-Laws for the directing, managing and ordering the Prudential Affairs of such Town, as they shall judge most Conducing to the Peace, Welfare and good Order thereof, and to annex Penalties for the observance of the same, not exceeding Twenty Shillings for one Offence, Provided that they be not repugnant to the General Laws of the Province: And such Orders and By-Laws being presented unto the Justices in Quarter Sessions, and approved of by them, shall be Established, and Binding to all the Inhabitants of such Town, and the penalty for breach of any of them by any of the Inhabitants, to be Levied by Warrant of Distress from any Justice of the Peace before whom

Towns or Select-men having Instructions, to make Orders & By-Laws.

Orders and By-Laws in Towns, to be approved by the Quarter Sessions.

Penalty to be Levied by Warrant from a Justice

whom ſuch Offender ſhall be Convicted, to the uſe of the Poor of ſuch Town.

And further it is Enacted by the Authority aforeſaid.

Select-men to make Aſſeſſment for County and Town Charges

That the Select-men or Townſmen Choſen as aforeſaid, in each Town reſpectively, Be, and hereby are Impowred to aſſeſs the Inhabitants and others Reſident within ſuch Town, and the Precincts thereof, and the Lands and Eſtates lying within the Bounds of ſuch Town, in juſt and equal proportion as near as may be unto the County Charges, according as they ſhall receive order from the Court of Quarter Seſſions, to be held for the ſame County; and to all Town Charges, each particular perſon according to his known Ability and Eſtate, ſuch Sum and Sums as hath or ſhall be ordered, granted and agreed upon from time to time by the Inhabitants in any Town-Meeting regularly Aſſembled; or the major part of thoſe preſent at ſuch Meeting, for the Maintainance and Support of the Miniſtry, Schools, the Poor, and for the defraying of other neceſſary Charges ariſing within the ſaid Town; and thereof to make diſtinct and perfect Liſts under their Hands, or the major part of them, ſetting down every perſons Name, and ſeveral proportion, and ſhall thereupon make out a Warrant to be Signed by the ſaid Aſſeſſors, or the Town Clerk, by their Order (who are hereby reſpectively Impowred thereto) directed unto the Conſtable or Conſtables of the ſaid Town for the ſpeedy Levying and Collecting of ſuch Aſſeſsments, and to pay in the ſame unto the Select-men, or to ſuch perſon as they ſhall appoint for Receiver, within the time thereby prefixt. And to make Diſtreſs upon all ſuch who ſhall neglect or refuſe to make payment: And for want of Goods or Chattels whereon to make Diſtreſs, to Seiz the perſon and Commit him to the Common Goal of the County, there to remain until he pay the Sum upon him Aſſeſſed as aforeſaid; unleſs the ſame or any part thereof, upon application made unto the Quarter Seſſions, ſhall be Abated. And if any perſon think himſelf Over-rated, and make it ſo appear unto the Aſſeſſors, he ſhall be Eaſed: And if they refuſe, ſuch perſon agrieved may make his Application unto the Juſtices in Quarter Seſſions, who are hereby Impowred to Rectifie the ſame: And all Conſtables having any ſuch Aſſeſſment committed unto them, ſhall Settle and Iſſue their Accompts thereof with the Select-men, or Receiver appointed by them, within three months after their time or year is Expired, on pain of Forfeiting the Sum of Twenty Shillings *per* Month, for each Months Neglect afterward, to the uſe of the Poor of ſuch Town, and to be Levied by Diſtreſs upon ſuch Delinquent Conſtables Goods, by Warrant from one Juſtice of the Peace, being Convented and Convicted of ſuch Neglect before him, who is hereby thereto Impowred.

Aſſeſſors or Town Clerk to make out a Warrant for Levying the ſame

Diſtreſs to be made on Delinquents

Perſons Over-rated to be Eaſed

Conſtables to Settle and Iſſue their Accompts within 3 months after the Expiration of their year.

Provided nevertheleſs, that every Conſtable at the end of every Three Months ſhall pay in as aforeſaid, ſo much as he ſhall have Collected within that time.

And

And it is further Enacted by the Authority aforesaid,

That the Select-men or Overseers of the Poor, in each Town (where there are such Chosen, and specially Appointed for that Service) are hereby Impowred and Ordered to take effectual care that all Children, Youth, and other persons of able Body, living within the same Town or Precincts thereof (not having Estates otherwise to Maintain themselves) do not live Idly, or misspend their time in Loitering, but that they be brought up or imployed in some honest Calling, which may be profitable unto themselves, and the Publick. And if any person or persons fit and able to work, shall refuse so to do, but loiter & misspend his or her time, wander from place to place, or otherwise misorder themselves; and thereof be Convicted before one or more Justices of the Peace, such person or persons shall by such Justice or Justices be sent to the House of Correction, and at their Entrance, be whipped on the naked back, by the Master of such House, or such other as he shall procure, not exceeding Ten Lashes; and be there kept to hard Labour, until he or she be discharged by such Justice or Justices, or the Quarter Sessions of the Peace for the same County. And it shall, and may be lawful for the Overseers of the Poor, or Select-men in each Town, where there are no other persons specially Chosen and Appointed to be Overseers of the Poor, and they are hereby Ordered with the Assent of two Justices of the Peace, to Bind any poor Children belonging to such Town, to be Apprentices, where they shall see convenient; a Man Child, until he shall come to the Age of Twenty One Years, and a Woman Child, to the Age of Eighteen Years, or time of Marriage: which shall be as effectual to all Intents and purposes, as if any such Child were of full Age, and by Indenture of Covenant had Bound him or her self.

Idle Persons and Loiterers to be Imployed.

Upon refusal to labour, to be sent to the House of Correction.

Poor Children to be bound out Apprentices.

And it is further Enacted by the Authority aforesaid,

That every person and persons, (except as in this Act is before excepted) being duly Chosen as aforesaid, to Serve in the Office of Constable, who shall refuse to take the Oath to that Office belonging, and to Serve therein, if he be able in Person to Execute the same, shall pay the Sum of Five Pounds, to the use of the Poor of such Town. And if in the Towns of *Boston* or *Salem*, the Sum of Ten Pounds, and shall forthwith declare his acceptance or refusal, and the Town shall proceed to a new Choice, and if such person refuse to pay down his Fine, he shall be Convented before the next Sessions of the Peace, to be held for that County, in which such Town lieth, who upon Certificate under the Hand of the Town Clerk, or two or more of the Select-men, that such person was Legally Chosen to the Office of Constable, and shewing no just cause to the Sessions for his Excuse; the Justices shall Order a Warrant to be Signed by the Clerk of the Peace, directed to any of the Constables then in being within

Penalty for not Serving in the Office of Constable.

within ſuch Town, to Levy the ſaid Fine by Diſtreſs and Sale of ſuch Offenders Goods, returning the Over-plus (if any be) ſaid Fine to be Delivered unto the Overſeers of the Poor, or Select-men, to the Uſe of the Poor of ſuch Town.

And be it further Enacted by the Authority aforeſaid,

Perſons Entertained in any Town by the ſpace of 3 months, and not warned out, to be reputed Inhabitants.

That if any perſon or perſons come to Sojourn or Dwell in any Town within this Province, or Precincts thereof, and be there Received and Entertained by the ſpace of Three Months, not having been warned by the Conſtable, or other Perſon whom the Select-men ſhall Appoint for that Service, to leave the place, and the names of ſuch perſons, with the time of their Abode there, and when ſuch warning was given them, returned unto the Court of Quarter Seſſions; every ſuch perſon ſhall be Reputed an Inhabitant of ſuch Town or Precincts of the ſame; and the proper Charge of the ſame, in caſe through Sickneſs, Lameneſs, or otherwiſe they come to ſtand in need of Relief, to be born by ſuch Town; Unleſs the Relations of ſuch poor impotent perſon, in the Line or Degree of Father, or Grandfather, Mother or Grand-Mother, Children or Grand-Children, be of ſufficient ability; then ſuch Relations reſpectively ſhall Relieve ſuch poor perſon, in ſuch manner as the Juſtices of the Peace in that County where ſuch ſufficient Perſons Dwell, ſhall Aſſeſs; on pain that every one failing therein, ſhall Forfeit Twenty Shillings for every Months Neglect, to be Levied by Diſtreſs and Sale of ſuch Offenders Goods by Warrant from any two ſuch Juſtices of the Peace (*Quorum Unus*) within their Limits; which ſhall be imployed to the Uſe and Relief of ſuch impotent poor perſon. PROVIDED nevertheleſs this Act ſhall not be underſtood of any perſons Committed to Priſon, or lawfully Reſtrained in any Town, or of ſuch as ſhall come, or be ſent for Nurſing or Education; or to any Phyſician or Chirurgeon to be Healed or Cured; but the particular perſons who Receive and Entertain any ſuch, ſhall be the Towns Security in their behalf; and be obliged to Relieve and Support them in caſe of need; upon Complaint made to the Quarter Seſſions, who ſhall accordingly Order the ſame.

Perſons of Ability, to releive their poor Relations.

And it is further Enacted by the Authority aforeſaid.

Perſons warned out of any Town; to depart in 14 days or elſe to be ſent by the Conſtable

That any perſon orderly warned as aforeſaid to depart any Town whereof he is not an Inhabitant, and Neglecting ſo to do by the ſpace of Fourteen Days next after ſuch warning given, may by Warrant from the next Juſtice of the Peace be ſent and conveyed from Conſtable to Conſtable, unto the Town where he properly belongs, or had his laſt Reſidence, at his own Charge, if able to pay the ſame, or otherwiſe at the Charge of the Town ſo ſending him;

and

And further it is Enacted by the Authority aforesaid,

That when and so often as there shall be occasion of a Town-Meeting for any Business of Publick Concernment to the Town, there to be done. The Constable or Constables of such Town, by order from the Select-men, or major part of them, or of the Town Clerk by their Order, in each Respective Town within this Province shall warn a Meeting of such Town, having order for the same in Writing; on pain that every Constable neglecting his Duty in that respect; and being thereof Convicted before one Justice of the Peace, shall Forfeit the Sum of Twenty Shillings, to the Use of the Poor of such Town, and to be Levied by Distress and Sale of such Offenders Good, by Warrant from such Justice of the Peace, upon Neglect or Refusal of payment. And in case the Select-men in any Town shall unreasonably deny to call a Meeting of the Inhabitants of such Town, upon any Publick Occasion thereof, the same being Complained of and made to appear to one of the next Justices of the Peace within the same County; such Justice by his Warrant directed to the Constable or Constables, may order a Meeting of the Inhabitants of such Town, therein signifying the occasion thereof.

Constables to warn Town-Meetings.

Penalty for Neglect.

Justice to give Warrant for Town-Meeting in case

An Act,

For making of Lands and Tenements liable to the Payment of Debts.

WHEREAS the Estates of Persons within this Provnince do chiefly consist of Houses and Lands, which give them Credit, some being remiss in paying of their just Debts; others happening to Dye before they have discharged the same.

It is therefore Ordained and Enacted by the Governour, Council and Representatives, Convened in General Court, and by the Authority of the same,

That all Lands or Tenements belonging to any person in his own proper right in Fee Simple, shall stand charged with the payment of all just Debts owing by such person, as well as his personal Estate, and shall be liable to be taken in Execution for satisfaction of the same, where

the Debtor, or his Attourney ſhall not Expoſe to view, and Tender to the Officer Perſonal Eſtate ſufficient to anſwer the Sum mentioned in the Execution with the Charges. And all Executions duly Served upon any ſuch Houſes and Lands, being Returned into the Clerk's Office of the Court, out of which the ſame Iſſued, and there Recorded, ſhall make a good Title to the Party, for whom they are ſo taken, his Heirs and Aſſigns for ever. Alſo where the Goods and Moveables of any perſon Deceaſed ſhall not be ſufficient to anſwer the juſt Debts which the Deceaſed owed: Upon Repreſentation thereof, and making the ſame to appear unto the Superiour Court within the County where ſuch Deceaſed Perſon laſt Dwelt; the ſaid Court are hereby Impowred to Licence and Authorize the Executor or Adminiſtrator of ſuch Perſon Deceaſed to make Sale of all or any part of the Houſes and Lands of the Deceaſed, ſo far as ſhall be neceſſary to ſatisfie the juſt Debts which the Deceaſed Owed at the time of his Death. And every Executor, or Adminiſtrator being ſo Licenced and Authorized, ſhall, and may by virtue of ſuch Authority Make and Execute Deeds or Conveyances in due Form for ſuch Houſes and Lands as they ſhall ſo Sell, which Inſtruments ſhall be a good Title to the Purchaſer.

Superiour Court may Impower Executors, Adminiſtrators to Sell Land for payment of Debts.

Diſallows.

And further it is Enacted by the Authority aforeſaid.

That where any perſon ſhall make Sale or other Alienation of any Lands or Tenements to him of right belonging, with Intent to Defeat and Defraud his Creditors of their juſt Debs, not *Bona Fide* for good and valuable conſideration paid. All ſuch Sales and Alienations are to be deemed Covenous and Fraudulent, and ſhall be of none Effect to bar any Creditor from ſuch Debt as is to him Owing.

An

An Act

For due Regulation of Weights and Measures.

TO the end that Weights and Measures may be one and the same throughout this Their Majesties Province.

Be it Enacted and Ordained by the Governour, Council and Representatives, in General Court Assembled and by the Authority of the same,

That the Brass and Copper Weights and Measures formerly sent out of *England*, with Certificate out of Their Majesties Exchequer, to be approved *Winchester* Measure according to the Standard in the Exchequer, be the publick allowed Standard throughout this Their Majesties Province, for the Proving and Sealing all Weights and Measures thereby. And the Constables of every Town throughout this Province, not already Supplied, shall within three Months next coming, provide upon the Towns Charge; One Bushel, one half Bushel, one Peck, one Half Peck, one Ale Quart, one Wine-pint and Half-pint, One Ell, one Yard, one Seat of Brass Weights, to Four Pounds, after sixteen Ounces to the Pound, with fit Scales, and Steel Beam, tried and proved by the aforesaid Standard, and Sealed by the Treasurer, or his Deputy in his Presence, (which shall be kept and used only for Standards in the several Towns) who is hereby Authorized to do the same, for which he shall receive from the Constables of each Town Two-pence for every Weight and Measure so Tried and Proved and Sealed. And the Constables of every Town shall Commit those Weights and Measures unto the Custody of the Select-men of their Towns for the time being, who with the Constables are hereby Enjoyned to Choose one Able Man for Sealer of all Weights and Measures for their Town from time to time, and till another be Chose, who shall be presented unto the next Court of Sessions, and there Sworn to the faithful Discharge of his Duty: And shall have power to send forth his Warrants by the Constable to all the Inhabitants of such Town, to bring in all such Weights and Measures as they make use of, in the Month of *April*, from year to year, at such time and place as he shall appoint, and make Return to the Sealer in Writing of all persons so Summoned. That then and there all such Weights and Measures may be Proved and Sealed with the Town Seal (which is likewise to be provided by the Constables at each Towns Charge) who shall have for every Weight and Measure so Sealed, one penny from the Owner thereof at the first Sealing. And all such

Weights

Weights and Measures as cannot be brought to their juſt Standard, he ſhall Deface and Deſtroy, and after the firſt Sealing, ſhall have nothing, ſo long as they continue juſt with the Standard.

And it is further Enacted by the authority aforeſaid.

That if any Conſtable, Select man or Sealer, do not duly Execute this Law ſo far as to each & every of them appertains, they & each of them ſhall Forfeit to Their Majeſties for every ſuch Neglect, by the ſpace of one Month the Sum of Forty Shillings, towards the Support of their Government here. And every perſon Neglecting to bring in their Weights & Meaſures at the time and place appointed, being duly warned thereto, ſhall likewiſe Forfeit Three Shillings and Four-pence; the one half whereof to be to Their Majeſties as aforeſaid, the other half to the Sealer aforeſaid. And the penalty herein mentioned, to be Levied by Diſtreſs by Warrant from any Juſtice of the Peace.

And it is further Enacted by the authority aforeſaid.

That in every Sea-port-Town within this Province, the Conſtable or Conſtables are to provide upon the Towns Charge, One Hundred Weight, one Half Hundred, one Quarter of an Hundred, and one Fourteen Pounds Weight made of Iron, to be Tried, Proved and Sealed as aforeſaid, and be kept as Standards in the ſaid ſeveral Towns to be uſed as before for other Weights and Meaſures is directed.

An

An Act,

Againſt the Counterfeiting, Clipping, Rounding, Filing or Impairing of Coynes.

WHEREAS divers Falſe and Evil Diſpoſed Perſons have attempted and practiſed for Wicked Lucre and Gains ſake, to Diminiſh Impair and Falſifie the Money, and Coynes Currant within this Province, by Counterfeiting or Clipping, Rounding, or Filing thereof, not only to the great Diſcredit of the Province, and the Government thereof, but alſo to the great Loſs and Damage of Their Majeſties Subjects; and more is like to be if the ſame be not ſpeedily met withal and prevented.

For Remedy whereof,

Be it Enacted, and Declared, and Eſtabliſhed, by the Governour, Council, and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame. *Diſallow.*

That the Coyn of the Late Maſſachuſetts Colony, ſhall paſs currant at the rate it was Stampt for. *Maſſachuſetts Coyn, & pieces of Eight of 17 penny weight made currant.*

And Pieces of Eight, Sevil, Pillar, and Mexico, of full Seventeen penny Weight, ſhall paſs Currant at *Six Shillings Per* Piece, and Half Pieces of Due Weight *Pro Rato*, and Quarter Pieces of the ſame Coin, at *Six*teen pence *Per* Piece, and Realls, of the ſame Coin, at Eight Pence *Per* piece.

And whoſoever from and after the Publication of this Act, ſhall Attempt and Practice the Counterfeiting, or Clipping, Rounding, Filing, or otherwiſe Diminiſhing, or Debaſing any of the Monies and Coins Currant within this Province; being thereof Lawfully Convicted before the Juſtices of Aſſize; ſhall Forfeit double the value of the Money, ſo Counterfeited, Clipped, Rounded or Filed; One Half to Their Majeſties towards the Support of the Government; And the other Half to the Informer. And ſhall alſo ſtand in the Pillory, in ſome open Place in the Shire Town of that County where the Offence is Committed; and there have one of His Ears Cut off. *Penalty for Counterfeiting, Clipping &c. of Coyns.*

An Act,

For the Regulating and Encouragement of Fiſhery.

UPon Conſideration of great Damage and Scandal, That hath happened upon the account of Pickled Fiſh, although afterwards Dried and hardly diſcoverable; To the great Loſs of many, and alſo an ill Reputation on this Province, and the Fiſhery of it.

BE it therefore Enacted, by the Governour, Council, and Repreſentatives, Convened in General Court, or Aſſembly, and it is Enacted by the Authority of the ſame.

No Mackerel to be Salted up before the firſt of *July*.

That no perſon or perſons whatſoever, after the Publication hereof, ſhall Save or Salt any ſort of Fiſh (that is intended to be dried) in Caſk or Fattes, or any other way) then what hath formerly and honeſtly been practiſed for the making of dry Fiſh, on penalty of Forfeiting all ſuch Fiſh, ſo Salted and Pickled, whether it be Green or Drye: The one Moiety thereof to the uſe of the Poor of the Town, where the Offence is Committed, and the other Moiety to the perſon that ſhall Sue for the ſame.

How dry Fiſh ſhall be Saved.

And it is further Enacted by the authority aforeſaid.

That henceforth no Mackrel ſhall be Caught (except for ſpending whilſt freſh.) before the firſt of *July* annually: And no perſon or perſons whatſoever after the publication hereof, ſhall at any time or place within this Province, Take, Kill, or Hale aſhore any Mackrell, with any ſort of Nets or Sa'ens whatſoever, on penalty of Forfeiting all ſuch Mackrel ſo Taken or Haled aſhore, and alſo all ſuch Nets and Sa'ens which were ſo Imployed: The one half thereof to Their Majeſties, towards the Support of this their Government, and the other half to him or them that ſhall Inform and Sue for the ſame. And all Juſtices are hereby Impowred, and Required, to Grant their Warrants for the Seizing of the ſame, and the aforeſaid Forfeitures, or the Receiving of the like value in Currant Mony of this Province.

Penalty for Taking Mackarel in Netts or Seynes

An

An Act,

For the Eſtabliſhing of Judicatories, & Courts of Juſtice, within this Province.

For the more Orderly Regulation and Eſtabliſhment of Courts of Juſtice, throughout this Province.

Be it Enacted, and Ordained by his Excellency the Governour, Council, and Repreſentatives, Convened in General Aſſembly.

And it is hereby Enacted, and Ordained, by the Authority of the ſame.

That all manner of Debts, Treſpaſſes, and other Matters not exceeding the value of Forty Shillings, (wherein the Title of Land is not Concerned) ſhall and may be heard, Tryed, Adjudged, and Determined, by any of Their Majeſties Juſtices of the Peace, of this Province, within the Reſpective Countys where he reſides; Who is hereby Impowred, upon complaint made, to grant a Warrant or Summons, againſt the Party complained of, Seven Days before the day of Tryall or Hearing, thereby requiring him or them to appear and anſwer the ſaid Complaint, and in caſe of *Non-Appearance*, to Iſſue out a Warrant of Contempt, directed to the Conſtable or other Officer, to bring the Contemner before him, as well to anſwer the ſaid Contempt, as the Plaintiffs Action, and if he ſee cauſe to Fine the ſaid Contemner. Juſtices Court

PROVIDED the ſaid Fine Exceed not Ten Shillings, to be accounted for to the Treaſurer of the County, towards the Support of the Government, and after Judgment given in either Caſe, may grant Warrants of Diſtreſs, directed to the Conſtable or other Officer to Levy the ſaid Fine, debt or damage with Charges, upon the Defendants Goods and Chattels, who by vertue thereof ſhall expoſe the ſame to Sale, returning the Overplus (if any be) to the Defendant. And for want of ſuch Diſtreſs, to take the Body of ſuch Defendant into Cuſtody, and him to carry and convey to the common Goal, of the County or Precinct, there to remain, until he hath ſatisfyed the Said Fine, Debt or Damage, with Charges. Disallow

And in caſe ſuch Complainant be Non-Suited, or Judgment paſs againſt him, then the ſaid Juſtice is hereby Impowred to Aſſeſs to the Defendant, reaſonable Coſts againſt ſuch Complainant, to be Levied and recovered in manner & form above Expreſſed.

And the ſaid Juſtice is hereby required to keep fair Records of all his proceed-

ceedings therein from time to time. Provided always nevertheleſs, That the Party Caſt ſhall have Liberty to Appeal to the next Inferiour Court of Common Pleas, to be Holden for the ſame County, He entring into Recognizance with one ſufficient Suretie in double the value of the Debt or Damage Sued for, and ſufficient to anſwer all Coſts to proſecute the ſaid Appeal there with Effect, and to abide the Order of the ſaid Court; where ſuch Caſe ſhall be Tryed, there to receive a Final Iſſue. Provided alſo, That the party Appealing, ſhall bring the Copies of the whole Caſe to ſaid Court; and each party ſhall be there allowed the benefit of any further Plea or Evidence. And if upon any ſuch new Plea or Evidence, the Judgement happen to be Reverſed, the Appellant ſhall have no Coſts Granted for the firſt Tryal.

Be it further Enacted and Ordained by the authority aforeſaid

Quarter Seſſions of the Peace

That there ſhall be Held and Kept in each Reſpective County within this Province yearly, at the times and places hereafter named and expreſſed: Four Courts or Quarter Seſſions of the Peace, by the Juſtices of the Peace of the ſame County, who are hereby Impowred to Hear and Determine all Matters relating to the Conſervation of the Peace, and Puniſhment of Offenders, and whatſoever is by them Cognizeable according to Law. *That is to ſay*, For the County of *Suffolk*, at *Boſton* on the firſt *Tueſdays* in *March*, *June*, *September* and *December*. For the County of *Plymouth*, at *Plymouth*, on the third *Tueſdayes* in *March*, *June*, *September* and *December*: For the County of *Eſſex*, at *Salem*, on the laſt *Tueſdayes* in *June* and *December*; at *Ipſwich*, on the laſt *Tueſday* in *March*, and at *Newbury*, on the laſt *Tueſday* in *September*: For the County of *Middleſex*, at *Charlſtown*, on the ſecond *Tueſdayes* in *March* and *December*; at *Cambridge*, on the ſecond *Tueſday* in *September*, and at *Concord* on the ſecond *Tueſday* of *June*: For the County of *Barnſtable*, at *Barnſtable*, on the firſt *Tueſdayes* in *April*, *July*, *October* and *January*. At *Briſtol*, for the County of *Briſtol*, on the ſecond *Tueſdays* in *April*, *July*, *October* and *January*. For the County of *York*, at *York*, on the Firſt *Tueſdayes* in *April* and *July*; and at *Wells*, on the firſt *Tueſdayes* in *October* and *January*; and for the County of *Hampſhire*, at *North-hampton*, on the Firſt *Tueſdayes* in *March* and *June*; at *Springfield* on the laſt *Tueſdayes* in *September* and *December*; and that there be a General Seſſions of the Peace Held and Kept at *Edgar* Town upon the Iſland of *Capawock*, *alias Martha's* Vineyard, and on the Iſland of *Nantuckes* reſpectively, upon the laſt *Tueſday* in *March*, and on the firſt *Tueſday* of *October* yearly from time to time.

And it is further Enacted by the Authority aforeſaid

Courts of Common Pleas

That at the times and places before mentioned, there ſhall be Held and

and kept in each Respective County and Islands before-named within this Province, an Inferiour Court of Common Pleas, by four of the Justices of, and Residing within the same County, and Islands respectively, to be appointed and commissionated thereto; any Three of whom to be a *Quorum*, for the hearing and determining of all Civil Actions, arising or hapning within the same, tryable at the common Law; of what nature, kind, or quality soever; and upon judgment given therein, to award Execution.

Appeal to the Superiour Court

PROVIDED nevertheless That it shall be in the Liberty of the party cast in any of the said Inferiour Courts, to Appeal from the Verdict and Judgment given therein, unto the next Superiour Court, to be held within, or for the same County; the case there to be Tryed to a Final Issue. Or by a new Process, once and no more, to review the said case in the same Court, where it was first Tryed; and within the space of ten days, after judgment given upon such Tryall, by review; the party agrieved may bring his Writ of Error, for a Tryall of the said Case at the next Superiour Court, to be held within or for the same County, there to receive a Final Issue and Determination.

Review

PROVIDED also, that the Party Appealing, or bringing any Writt of Error as aforesaid; shall first enter into Recognizance, with sufficient Sureties, before one or more of the Justices of the Court appealed from, and upon Writt of Error, before one or more of the Justices of the Superiour Court in double the value of the Debt or Damage recovered that he will prosecute the same Appeal or Writt respectively with effect, and abide the Order of the Court; no Appeal to be admitted after the time of the Courts Sitting, nor after Execution Granted; and the Party Appealing, to bring the Copies of the whole Case unto the Superiour Court, where each Party shall be allowed the benefit of any new and further Plea & Evidence. And if upon any such new Plea and Evidence, the Judgement happen to be Reversed, the Appellant shall have no Cost granted him for the first Tryal.

PROVIDED also, That every Appellant as aforesaid, shall give in a Declaration, briefly setting forth the Reasons of his Appeal, unto the Clerk of the Court Appealed from, fourteen days inclusively before the Sitting of that Court, where such Appeal is to be Tryed.

And it is further Enacted by the authority aforesaid,

Superiour Court

That there shall be a Superiour Court of Judicature over this whole Province, to be Held and Kept annually at the Respective Times and Places hereafter mentioned, by one Chief Justice, and four other Justices, to be Appointed and Commissionated for the same; Three of whom to be a *Quorum*, who shall have Cognizance of all Pleas, Real, Personal, or Mixt, as well in all Pleas of the Crown, and in all Matters Relating to the Conservation of the Peace, and Punishment of Offenders, as in Civil Causes or Actions between Party and Party, and between Their Majesties,

and any of their Subjects; whether the same do Concern the Realty, and Relate to any Right of Freehold and Inheritance, or whether the same do concern the Personalty, and Relate to matter of Debt, Contract, Damage, or Personal Injury; and also in all Mixt Actions, which may Concern both Realty and Personalty; and after Deliberate Hearing, to give Judgment, and Award Execution thereon. The said Superiour Court to be Held and Kept at the times and places within the Respective Counties following: *That is to say*, within the County of *Suffolk*, At *Boston*, on the last *Tuesdayes* of *April* and *October*. Within the County of *Middlesex*, at *Charlstown*, on the last *Tuesdayes* of *July* and *January*: Within the County of *Essex*, at *Salem*, on the Second *Tuesday* of *November*; and at *Ipswich*, on the Second *Tuesday* of *May*. Within the Counties of *Plimouth*, *Barnstable* and *Bristol*: At *Plimouth*, on the last *Tuesday* of *February*, and at *Bristol*, on the last *Tuesday* of *August*.

And be it further Enacted by the authority aforesaid,

That the Tryal of all Civil Causes by Appeal, or Writ of Error, from any of the Inferiour Courts within the Respective Counties of *York* or *Hampshire*, the Islands of *Capawock*, alias, *Martha's*-Vineyard, and *Nantucket*, shall be in the Superiour Court to be Held at *Boston*, or *Charlstown*.

And further it is Enacted

Court of Assize & General Goal Delivery

That when, and in what County soever, the said Superiour Court shall Sit, the Justices thereof shall Hold a Court of Assize, and General Goal Delivery for the said County, at the same time, as occasion shall be. And there shall be Held and Kept a Court of Assize, and General Goal Delivery, for the Respective Counties and Places of *York*, *Hampshire*, the Islands of *Capawock*. alias, *Martha's*-Vineyard and *Nantucket* within the same from time to time, as the Governour and Council, advising with the Justices of the Superiour Court, shall Direct and Appoint, according as occasion may be.

And it is further Enacted by the authority aforesaid.

Plaintiffs liberty to begin his Suit in the Inferiour or Superiour Court.

That it shall be in the Liberty of any Plaintiff, to begin his Suit, either in the Inferiour or Superiour Court, at his pleasure; and where the Original Process is made out of the Superiour Court, the Party Cast shall have Liberty to Review his Case in the said Superiour Court, once and no more. PROVIDED Nevertheless, That none of the said Inferiour Courts shall Receive any Action under the value of Forty Shillings;

lings; nor shall any Action under the value of Ten Pounds be brought into the Superiour Court, unless where Freehold is concerned, or upon Appeal.

No Action under Ten Pounds to come originally to the Superiour Court.

And it is further Enacted by the Authority aforesaid.

That all Matters and Issues in Fact arising, or happening within the said Province, shall be Tryed by Twelve Good and Lawful Men of the Neighbourhood. And that no person or persons shall be Chosen and Returned to Serve upon any such Jury, but such as shall have a Real Estate of Freehold worth Forty Shillings *per Annum*, or Personal Estate worth Fifty Pounds. And for the more equal returning and appearance of Jurors to Serve in the several Courts.

Matters of Fact to be Tryed by a Jury.

It is Enacted by the Authority aforesaid

That the Clerk of each Court respectively, in convenient time, before the Sitting of such Court, shall issue out Warrants directed to the Constables of the several Towns within the County, or Jurisdiction of said Court, or the most principal of them, to Assemble the Freeholders and other Inhabitants of each several Town, qualified as aforesaid, to Serve as Jurors; Requiring them to Choose so many good and lawful Men as the Warrant shall direct for Grand and Petit Jurors to serve at such Court, and the Constable shall Summon the Persons so Chosen, to attend accordingly, at the time and place appointed; and make timely Return of his Warrant unto the Clerk that Granted the same. And no Person Serving as a Justice, Juror, Witness, or otherwise, shall be obliged to use any other Ceremony in taking of their Respective Oaths, then lifting up the Hand as has been accustomed.

Jurors how to be Chosen

And be it further Enacted by the Authority aforesaid.

That all Processes and Writs shall Issue out of the Clerks Office of the said Respective Courts in Their Majesties Names, under the Seal of the said Office; and Signed by the Clerk, and be directed to the Sheriff or Marshal of the County, his Under-Sheriff or Deputy. And where the Sum Sued for is under Ten Pounds, to direct also to the Constable of the Town.

All Processes and Writs to Issue forth in Their Majesties Names

Town-Clerk to grant Attachments for Cases triable before one Justice, and Summons for Witnesses

PROVIDED Nevertheless, That Replevins Summons and Attachments for any matter or cause Tryable before one Justice of the Peace; and Summons for Witnesses in civil Cases, may be Granted by the Town Clerk

Clerk, and directed to the Conſtable of ſuch Town, or to the Party to be Summoned for Witneſs. And the Clerk of each Town reſpectively within this Province, is hereby Impowred, to Make and Grant ſuch Writs and Proceſſes as aforeſaid; and the Conſtable or Conſtables of ſuch Town are Required to Execute them. And all Proceſſes for Appearance, as well in the Inferiour Court of Pleas, as the Superiour Court of Judicature, ſhall be Served and Executed fourteen days before the Sitting of ſuch Court, wherein ſuch Writs ſhall be returnable; and that all proper Original Proceſſes in the ſaid Courts, ſhall be Summons, Capias or Attachment. And in caſe upon any ſuch Summons duly Served, and Affidavit thereof made in Court, the Defendant do not appear by himſelf or his Attourney lawfully Authorized, Judgment ſhall paſs againſt him by Default.

And it is further Enacted and Declared by the Authority aforeſaid

Juſtices of Courts to make neceſſary Rules & Orders.

That the Juſtices of the ſaid ſeveral Courts be, and hereby are Impowred to make neceſſary Rules and Orders for the more orderly practiſing and proceeding in ſaid Courts; and that no Summons, Proceſs, Writ, Judgment, or other Proceeding in Courts, or courſe of Juſtice, ſhall be abated, arreſted or reverſed upon any kind of Circumſtantial Errors or Miſtakes where the perſon and caſe may be rightly underſtood and intended by the Court, nor through defect or want of form only. And all Writs, Proceſſes, Declarations, Pleas, Anſwers, Replications and Entries in all the ſaid Courts ſhall be in the *Engliſh* Tongue and no other. And that it ſhall be in the Liberty of every Plaintiff or Defendant in any of the ſaid Courts, to Plead and Defend his own Cauſe in his proper perſon, or with the Aſſiſtance of ſuch other as he ſhall procure, being a perſon not Scandalous or otherwiſe offenſive to the Court.

And it is hereby further Enacted by the authority aforeſaid

Court of Chancery.

That there be a High Court of Chancery within this Province, who ſhall have Power and Authority to Hear and Determine all Matters of Equity of what nature, kind or quality ſoever, and all Controverſies, Diſputes and Differences ariſing betwixt Co-Executors, and other Matters proper and Cognizeable to ſaid Court, not Relievable by common Law; the ſaid Court to be Holden and Kept by the Governour, or ſuch other as He ſhall Appoint to be Chancellor, Aſſiſted with Eight or more of the Council, who may appoint all neceſſary Officers to the ſaid Court; which ſaid Court ſhall Sit and be Held at ſuch times and places as the Governour or Chancellor for the time being, ſhall from time to time Appoint.

PROVIDED Nevertheleſs, That the Juſtices in any of the Courts aforeſaid,

aforesaid, where the Forfeiture of any Penal Bond is found, shall be and hereby are Impowred to Chancer the same unto the just Debt and Damages.

Provided also, That either Party not resting satisfied with the Judgment or Sentence of any of the said Judicatories or Courts in personal Actions, where in the matter in Difference doth exceed the value of Three Hundred Pounds Sterling (and no other) may Appeal unto Their Majesties in Council, such Appeal being made in time, and Security given according to the Directions in the Charter in that behalf. Appeal to Their Majesties in Council.

And it is further Enacted by the authority aforesaid,

That Two Shillings *Per Diem* shall be accounted due satisfaction to any Witness for his Travel and Expences, and no more to be allowed in civil Causes; and if such Witness live within Three Miles of the Place of the Courts Sitting whereto he is Summoned, and be not to pass any Ferry, then One Shilling and Six-pence *Per Diem* shall be accounted sufficient: And if any person or persons upon whom any Process out of any Court of Record shall be Served, to Testifie or Depose concerning any Cause or matter Depending in any of the same Courts, and having tendred unto him or them such reasonable Sums of Mony for his or their Costs and Charges, as having regard to the distance of the places, is necessary to be allowed in that behalf, do not appear according to the Tenor of the Process, having no lawful or reasonable Let or Impediment to the contrary; that then the party so making Default, shall for every such Offence Lose and Forfeit Forty Shillings, and shall yield such further Recompence to the Party grieved, as by the Discretion of the Justices of the Court out of which such Process Issued, shall be Awarded, according to the Loss and Hindrance that the Party which procured the said Process shall sustain, by reason of the Non Appearance of the said Witness or Witnesses; the said several Sums to be Recovered by the Party so grieved, against the Offender or Offenders, by Action of Debt, Bill, Plaint or Information in any of Their Majesties Courts of Record, in which no Wager of Law, Essoign or Protection to be Allowed. Witnesses allowance. Penalty for Non-appearance.

It is further Declared and Enacted by the authority aforesaid.

That every Justice of the Peace may Grant Summons, Capias or Attachment in all Civil Actions Triable before him. Justices may Grant Summons, Capias or Attachment.

P An

An Act,

Requiring the Taking the Oaths, appointed to be taken inſtead of the Oaths of Allegiance, and Supremacy.

WHEREAS Their Royal Majeſties in and by Their Charter for the Erecting and Incorporating of Their Province, of the *Maſſachuſetts-Bay*, in *New-England* **have Granted and Ordained**

That the Governour, or Lievtenant, or Deputy Governour, of Their ſaid Province, or Territory, for the time being, or either of them or any Two or more of the Council or Aſſiſtants for the time being, as ſhall be thereunto appointed by the ſaid Governour, ſhall and may at all times, and from time to time, have full Power, & Authority, to Adminiſter, & Give the Oaths, appointed by an Act of Parliament made in the Firſt Year of Their preſent Majeſties Reign (Entituled An Act for the Abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths) to be taken ſtead of the Oaths of Allegiance and Supremacy; to all and every perſon and Perſons, which are now Inhabiting, or Reſiding within the ſaid Province or Territory; Or which ſhall at any time or times, hereafter go or paſs thither.

Now to the Intent that there be no failure herein, but that Their Majeſties Subjects within this Their Province, may accordingly Recognize their Duty, and Allegiance.

Be it Enacted, and Ordained by His Excellency the Governour, Council, and Repreſentatives, in General Court Aſſembled.

And by the Authority of the ſame.

All male perſons of 18 years and upwards to take the oaths.

That the Oaths in ſaid Act mentioned and thereby appointed to be taken inſtead of the Oaths of Allegiance and Supremacy, and each of them be and ſhall be forthwith Adminiſtred and given unto all Male perſons of the Age of Eighteen Years, or above, Inhabiting or Reſiding in any Town or Place within this Province (that have not already taken the ſame, and ſhall make it ſo appear) by his Excellency the Governour, or the Lievtenant, or Deputy Governour, or any two or more of the Council or Aſſiſtants, or ſuch others as

as ſhall be thereunto appointed by the Governour; and the Liſt of the Names of all perſons ſo Sworn, to be returned into the Secretary's Office

And be it further Enacted by the Authority aforeſaid.

That if any perſon or perſons ſhall refuſe to take the ſaid Oaths, or either of them, when tendered to him or them by any perſons lawfully Authorized, as is aforeſaid; to Adminiſter or Tender the ſame; the perſon or perſons ſo Tendering the ſaid Oaths, or either of them, ſhall commit the ſaid perſon and perſons ſo refuſing to the Common Goal, or Houſe of Correction; there to remain without Bail, or Mainprize, for the ſpace of Three Months; Unleſs ſuch Offender ſhall pay down to the ſaid perſon or perſons ſo Tendring the ſaid Oaths, or either of them, ſuch Sum of Money, not exceeding Forty Shillings; as the ſaid perſon or perſons ſo Tendring the ſaid Oaths, or either of them ſhall require ſuch Offender to pay for his ſaid refuſal; which Money ſhall be paid to the Select-Men, or Overſeers of the poor of the Town, or place where ſuch Offender did laſt inhabit. Penalty for refuſing

AND Unleſs every ſuch Offender, ſhall alſo become bound, with two Sufficient Sureties, with Condition to be of the Good Behaviour; and alſo to appear at the next General Quarter-Seſſions of the Peace, to be held for the ſame County, where ſuch Offender doth Inhabit or Reſide; at which Court of Quarter Seſſions, the ſaid Oaths ſhall be again Tendered to every ſuch Offender, by the Juſtices of the ſaid Court in open Seſſions. And if the ſaid Offender, ſhall refuſe to take the ſaid Oaths or either of them, when Tendred to him by the ſaid Juſtices in open Seſſions as is aforeſaid; the ſaid Juſtices Tendring the ſaid Oaths, ſhall Commit the ſaid Perſon and Perſons ſo refuſing, to the Common Goal, or Houſe of Correction, there to remain for the ſpace of ſix Months, unleſs every ſuch Offender ſhall pay down to the Juſtices ſo Tendring the ſaid Oaths, ſuch Sum of Money, not exceeding Ten Pounds, nor under Five Pounds, as the ſaid Juſtices ſhall require ſuch Offender to pay for his Second Refuſal; the ſaid Money to be diſpoſed of in manner aforeſaid; and unleſs every ſuch Offender ſhall likewiſe become Bound with Two Sufficient Sureties, with Condition to be of the good Behaviour, until he or they do take the ſaid Oaths.

And whereas there are certain perſons who ſcruple the taking of any Oath.

Be it Enacted by the Authority aforeſaid

That every ſuch Perſon ſhall Make and Subſcribe the Declaration of Fidelity following, *viz.* I *A. B.* Do ſincerely Promiſe, and ſolemnly Declare before God and the World; That I will be True and Faithful to King *WILLIAM*, and Queen *MARY*: And I do Solemnly Profeſs and Declare, that I from my Heart, Abhor, Deteſt, and Renounce as Impious and Heretical, that Damnable Doctrine and Poſition. That Princes Excommunited Declaration of fidelity.

cated or Deprived by the Pope, or any Authority of the SEE of ROME may be Depoſed or Murdered by their Subjects, or any other whatſoever. And I do Declare that no Forreign Prince, Perſon, Prelate, State or Potentate hath, or ought to have any Power, Juriſdiction, Superiority, Preheminence or Authority, Eccleſiaſtical or Spiritual, within the Realm of *England*, or any of Their Majeſties Dominions.

An Act,

For the Eſtabliſhing of Form's of Oaths.

Be it Declared and Enacted, by the Governour, Council and Repreſentatives, in General Court Aſſembled. And by the Authority of the ſame.

That the ſeveral Forms of Oaths here under Written,

Be and are hereby Eſtabliſhed,

To be Given and Adminiſtred unto the Reſpective Officers for whom they are appointed. As followeth,

Counſellors Oath.

YOU *A. B.* being Choſen, and Admitted of Their Majeſties Council within this Their Province, do Swear by the Everliving God. That you will to the beſt of your Judgment at all times, freely give your Advice to the Governour, for the Good Management of the Publick Affairs of this Government; and that you will not directly nor indirectly Reveal ſuch Matters as ſhall be Debated in Council, and Committed to your Secrecy. But will in all things be a True and Faithful Counſellor when you are thereunto Required. *So Help you God.*

Juſtice of Peace Oath.

YOU *A. B.* Swear, That as Juſtice of the Peace in the County of *S.* according to the Commiſſion given you. You ſhall Diſpenſe Juſtice Equally and Impartially in all Caſes. And do Equal Right to the Poor and to the Rich, after your Cunning, Wit and Power, and according

according to Law. And you ſhall not be of Council in any Quarrel that ſhall come before you: You ſhall not Let for Gift or other Cauſe. But well and truly you ſhall do your Office of Juſtice of the Peace in that behalf, Taking only appointed Fees. And you ſhall not direct or cauſe to be directed any Warrant (by you to be made) to the Parties; but you ſhall Direct your Warrant to the Sheriff, his Under-Sheriff or Deputy, Tything-men, or other Officers, proper for the Execution of the ſame in the County. And this you ſhall do without Favour or Reſpect to Perſons. *So help you God.*

Sheriff or Marſhals Oath, *Mutatis Mutandis.*

YOU Swear, That you will well and truly Serve the King and Queens Majeſties, in the Office of the Sheriff of the County of *S.* And do the King and Queens profit in all things that belongeth to you to do by way of your Office, as far forth as you can or may, you ſhall truly keep the King and Queens Rights, and all that belongs to the Crown; you ſhall not Reſpite the King and Qeens Debts for any Gift or Favour, where you may Raiſe them without great grievance of the Debtors; you ſhall truly and uprightly Treat the people of your Sheriffwick, and do Right as well to Poor as to Rich, in all that belongeth to your Office; You ſhall do no wrong to any man, for any Gift or other Beheſt or Promiſe of Goods, for Favour nor Hate; You ſhall diſturb no mans Right, you ſhall truly Acquit at the Treaſury, all thoſe of whom you ſhall any thing receive of Their Majeſties Debts; you ſhall nothing take whereby Their Majeſties may loſe, or whereby the Right may be Letted or diſturbed, or Their Majeſties Delayed; you ſhall truly return, and truly Serve all Their Majeſties Writs, as far forth as ſhall be to your Cunning; you ſhall take no Bayliff into your Service, but ſuch as you will Anſwer for, and of true and ſufficient men in the County, & ſhall cauſe each of your Bayliffs, to make ſuch Oath as you make your ſelf in that belongeth to their Occupation. And over this in Eſchewing and Reſtraint of the Man-ſlaughters, Robberies, and other manifold Grievous Offences that be done daily. All theſe things you ſhall truly obſerve and keep as *God help you.*

Grand Jurors Oath

YOU as Foreman of this Inqueſt for the Body of this County of *S.* You ſhall diligently Enquire, and a true Preſentment make of all ſuch Matters and Things as ſhall be given you in Charge; The King and Queens Majeſties Counſel, your Fellows and your own, you ſhall keep ſecret; You ſhall Preſent no man for Envy, Hatred or Malice; neither ſhall you leave any man Unpreſented for Love, Fear, Favour or Affection, or hope of Reward; but you ſhall preſent things truly as they come to your knowledge, according to the beſt of your Underſtanding. *So help you God.*

THE ſame Oath which you Foreman hath taken on his part, you and every of you on your behalf ſhall well and truly obſerve and keep. *So help you God.*

Petit Jurors Oath. YOU ſhall well and truly try and true deliverance make between Our Soveraign Lord and Lady, the King and *Queen*, and the Priſoners at the Bar, whom you ſhall have in Charge according to your Evidence. *So help you God.*

Jurors Oath in civil Caſes YOU Swear, That in all Cauſes betwixt Party and Party that ſhall be Committed unto you: You will give a true Verdict therein according to *Law*, and the Evidence given you. *So help you God.*

Town Clerks Oath. YOU Swear, That in the Office of Town Clerk within the Town of *B.* whereto you are Choſen: You will diligently and faithfully Attend & Diſcharge the Duty of your Place, & duly Obſerve the Directions of the Law in all things whereto your Office hath relation, and thereby Committed to your Care and Truſt. *So help you God.*

Oath of Leather Sealer Clerk of *the Market*, Culler of Eiſh, Packer, Gager, *Mutatis Mutandis* YOU Swear, That you will from time to time, diligently and faithfully Diſcharge and Execute the Office of within the Limits whereto you are Appointed for the Enſuing Year, and until another be Choſen in your place; and that in and by all the particulars mentioned in the Laws whereto your Office hath Relation; and that you will do therein Impartially according to Law, without Fear or Favour. *So help you God.*

Conſtables Oath WHEREAS you *A. B.* are Choſen Conſtable within the Town of *C.* for One Year now following, and until other be Choſen and Sworn in your Place: You do Swear, That you will carefully Intend the Preſervation of the Peace, the Diſcovery and preventing all Attempts againſt the ſame: That you will duly Execute all Warrants which ſhall be ſent unto you from Lawful Authority; and faithfully Attend all ſuch Directions in the Laws, and Orders of Court, as are, or ſhall be Committed to your Care. That you will faithfully and with what Speed you can, Collect and Levy all ſuch Fines, Diſtreſſes, Rates, Aſſeſsments and Sums of Mony, for which you ſhall have ſufficient Warrants according to Law; Rendring an Accompt thereof, and paying in the ſame according to the Direction in your Warrant. And with like faithfulneſs, Speed and Diligence will Serve all Writs, Executions, and Diſtreſſes in Private Cauſes betwixt Party and Party, and make Returns thereof duly into the ſame Court, where they are Returnable. And in all theſe things you ſhall deal ſeriouſly and faithfully whilſt you ſhall be in Office without any Siniſter Reſpects of Favour or Diſpleaſure. *So help you God.*

An Act

An Act,

For the Eſtabliſhing of Preſidents and Forms of Writts, and Proceſſes.

Be it Enacted and Declared by the Governour Council and Repreſentatives, in General Court aſſembled; And by the Authority of the ſame.

That the ſeveral Forms of Writts and Proceſſes, here under Written; **Be and hereby are Eſtabliſhed** to be the Forms to be obſerved by the Reſpective Officers that are or ſhall be appointed and Impowred to grant the ſame.

WILLIAM and MARY by the Grace of God of *England, Scotland, France,* and *Ireland*, King and Queen, Defenders of the Faith, *&c.*

TO Our Sheriff or Marſhal of Our County of Greeting:

Writ for Calling an Aſſembly

WEE Command that upon Receipt hereof, You forthwith make out your Precepts, directed unto the Select-Men of each Reſpective Town within your Precinct, Requiring them to cauſe the Free-holders and other Inhabitants of their ſeveral Towns duly qualified as in and by our Royal Charter is directed; to Aſſemble at ſuch time and place as they ſhall Appoint, to Elect and Depute one or more perſons (being Freeholders within our ſaid Province) according to the Number Set and Limited by an Act of our General Aſſembly within the ſame, to Serve for, and Repreſent them reſpectively, in a Great and General Court or Aſſembly by us appointed to be Convened, Held and Kept for our Service at the *Town-Houſe* in *Boſton*, upon the Day of next Enſuing the Date of theſe Preſents. And to cauſe the perſon or perſons ſo Elected, and Deputed by the major part of the Electors preſent at ſuch Election, to be timely Notified and Summoned by the Conſtable or Conſtables of ſuch Town to attend our Service in the ſaid Great and General Court or Aſſembly, on the Day above prefixed, by nine in the morning; and ſo *de Die in Diem*, during their Seſſion and Seſſions, and to *Return* the ſaid Precepts, with the Names of the Perſons

Diſallow.

Persons so Elected and Deputed unto Your self. Whereof you are to make Return, together with this Writ, and of your Doings therein under your Hand into our Secretary's Office at *Boston*, one day at the least, before the said Courts Sitting. Hereof you may not Fail at your Peril. Witness Sir *W. P.* Knight, Our Captain General, and Governour in Chief in and over our Province of the *Massachusetts-Bay* in *New-England*. Given at *Boston*, under the Publick Seal of our Province aforesaid the day of 169 In the Year of our Reign.

By His Excellencies Command

IN Observance of Their Majesties Writ to me directed.

Suffolk. ss These are in Their Majesties Names to Will and Require you forthwith to cause the Freeholders and other Inhabitants of your Town, that have an Estate of Freehold in Land within this Province or Territory, of Forty Shillings *Per Annum* at the least, or other Estate to the value of Forty Pounds *Sterling*, to Assemble and meet at such time and place as you shall appoint; then and there to Elect and Depute one or more Persons (being Freeholders within the Province) according to the number set and Limited by an Act of the General Assembly, to serve for and Represent them in a Great and General Court or Assembly Appointed to be Convened, held and kept for Their Majesties Service at the *Town-House* in *Boston* upon the day of next Ensuing the Date hereof; and to cause the person or persons so Elected and Deputed by the Major part of the Electors present at such Election; to be timely Notified and Summoned by one or more of the Constables of the Town; to attend Their Majesties Service in the said Great and General Court or Assembly; on the Day above prefixed, by Nine in the Morning; and so *De Die in Diem* during their Session and Sessions. Hereof Fail not, and make return of this Precept; with the Names of the person or persons so Elected and Deputed; with their being Summoned, unto my self on or before the day of aboveslaid. Given under My Hand and Seal at the Day of 169 In the Year of Their Majesties Reign.

To the Select-Men of the Town of Greeting

A. B of the County of

Return PUrsuant to the Precept within Written, the Freeholders and other Inhabitants of this Town Qualified as is therein directed, upon due Warning given, Assembled and met together the Day of and then did Elect and Depute, *A. B.* and *C. D.* to serve for and Represent them in the Session and Sessions of the Great and General Court or Assembly appointed to be begun and held at *Boston* on the day of the said persons being

being Choſen by the major part of the Electors preſent at ſaid Meeting. Dated in the Day of

The Perſons Choſen are Notified thereof, and Summoned to attend accordingly. By me *A. B.* Conſtable of *C.* } Select-Men.

Eſſex ſſ

TO the Sheriff or Marſhal of the ſaid County, or either of their Deputies or Conſtables of the Town of *S.* or to any or either of them. In Their Majeſties Names, You are Required to Summon and give Notice unto *T. P.* of (if he may be found in your Precincts) that he appear before me *J. H.* Eſq; one of Their Majeſties Juſtices of the Peace, for the County aforeſaid, at my Dwelling Houſe in *S* on being the day of at of the Clock in the Forenoon, then and there to Anſwer *E. L.* in a Plea of to the value of as ſhall then and there appear with all due Damages, making true Return as the Law directs. You are alſo hereby further Required to Signifie unto the ſaid *T. P.* That he may not Fail in the Premiſes, as he will Anſwer the Contempt at the Peril of the Law in this caſe made and provided. Dated in the day of In the Year of Their Majeſties Reign.

Summons for appearance before a Juſtice.

Eſſex ſſ

TO the Sheriff or Marſhal of the ſaid County, or Conſtables of the Town of *S.* or to any, or either of them Greeting. Whereas *T. P.* of Cooper, was Served with Summons, Granted by me, *J. H.* Eſq; one of the Juſtices of the ſaid County for his Appearance before me on the day of paſt, to Anſwer *E. L.* of Merchant, in a plea of to the value of with due Damages, the ſaid *T.* P. making Default in appearance. Theſe are in Their Majeſties Names, to Will and Require you therefore to take the Body of the ſaid *T. P.* (if he may be found in your Precinct) and him ſafely keep, ſo that he may be had before me on being the day of at of the Clock in the Forenoon, as well to Anſwer the ſaid *E. L.* of his Plea aforeſaid, as for his Contempt, making true Return of this Writ, as the Law directs. Dated at the day of In the Year of Their Majeſties Reign.

Warrant for contempt.

Attachment before a Juſtice of the Peace.

Suffolk ſſ TO the Sheriff or Marſhal of the ſaid County, or either of their Deputies or Conſtables of the Town of *B.* or to any or either of them. In Their Majeſties Names, You are Required to Attach the Goods or Eſtate of *J. N.* of *B.* to the value of And for want thereof, you are to take the Body of the ſaid *J. N.* (if he may be found in your Precincts) and him ſafely keep, ſo that he may be had before *J. E.* Eſq; one of the Juſtices of the ſaid County on being the day of at of the Clock in the Forenoon, to Anſwer *L. M.* of in a Plea of to the value of as ſhall then and there appear, with all due Damages, making true Return of this Writ as the Law directs. Dated at B the day of In the Year of Their Majeſties Reign.

Execution Granted by a Juſtice. of Peace

Suffolk ſſ WILLIAM and *MARY*, &c. To the Sheriff or Marſhal of our ſaid County, his Deputy or Deputies, or Conſtables of the Town of or to any or either of them. We Command you that without any delay, you Levy of the Money or Eſtate of *J. N.* of *B.* (if it may be found in your Precincts,) the Sum of with Shillings more for this Writ, and deliver the ſame unto *L. M.* of to Satisfie a Judgement obtained againſt the aforeſaid *J. M.* for with his Coſts and Damages occaſioned and accruing by a Suit Commenced againſt him before *J. E.* Eſq; one of our Juſtices Aſſigned to keep our Peace in our ſaid County the day of and in want of the ſaid Money or other Eſtate to the ſaid *L. M.* his Satisfaction. We Command you to take the Perſon of the ſaid *J. N* and him Commit to the Cuſtody of the Keeper of our Priſon in *B.* where he is to continue until the ſaid Debt is ſatisfied, or that he be Diſcharged by the Creditor, or otherwiſe by Order of Law. Hereof fail not at your peril, making true Return of this our Writ as the Law directs. Witneſs our ſaid Juſtice at this day of In the Year of our Reign

Attachment to the Superiour or Inferiour Court.

Suffolk ſſ WILLIAM aud *MARY* &c. To the Sheriff or Marſhal of our ſaid County, or either of their Deputies Greeting, We Command you to Attach the Goods or Eſtate of *D. T.* of to the value of and for want thereof to take the Body of the ſaid *D. T.* (if he may be found in your Precinct) and ſafely keep, ſo that you have before our Juſtices at our next Court of to be Holden at within or for our ſaid County on the day of next, then and there to Anſwer to *C. L.* in an Action of as ſhall then and there appear with Damages; and have you there this Writ. Witneſs *W. S.* Eſq; At *B* this day of In the Year of our Reign *J. W.*

Summons *Appearance upon* Goods Attached

WILLIAM and *MARY, &c.* To *A. B.* of *C.* Greeting. We Command you, That you appear at our Court of to be Held at *B.* for or within the County of *S.* on the *Tuesday* in next, to Answer unto *C. D.* of in an Action of to the value of which the said *C. D.* hath Commenced to be then and there Heard and Determined, to Respond which Action, your Goods or Estate are Attached to the value of

Hereof fail not at your Peril. Witness *W. S.* Esq; At *B.* the day of In the Year of our Reign

J. W

Writ of *Facias Habere Possessionem* and Writ of *Fieri Facias* for Damages and Costs.

WILLIAM and *MARY &c.* To our Sheriff or Marshal of our County of *E.* or either of their Deputies Greeting: Whereas *A. B.* of *C.* Yeoman before our Justices of our Court of Held for, or within our said County of *E.* at *S* upon the Tuesday in *N* past, by the Consideration of our said Court, Recovered his Term yet to come of and in Messuage or Tenement with the Appurtenances, or Acres of Land, Pasture or Meadow lying in the of D. within your Precincts against *E. F.* of *G.* Carpenter, who had unjustly put out and Amoved the said *A. B.* from his Possession thereof, and also there Recovered Pounds and Pence for Costs and Damages which he has Sustained by reason of the said Offence and Ejectment, and Expended for the Removal thereof, as to us has been made to appear of Record. We Command you therefore that without delay you cause the said *A B* of and in the aforesaid Tenement with the Appurtenances, or Land to have Possession of his Term yet to come. We also Command you, that of the Goods, Chattels or Lands of the said *E. F.* within your Precinct at the value thereof in Money, you cause the said *A. B.* to be paid and satisfied the aforesaid Sum of Pounds Shillings & Pence; which to the said *A. B.* in the said Court was adjudged for his Costs & Damages with Shillings more for this Writ, and thereof also to satisfie your Self for your own Fees. And for want of such Goods, Chattels, or Land of the said E. F's to be by him shewn unto you, or found within your Precinct to satisfie the aforesaid Sums. We then Command you to take the Body of the said E. F. and him Commit unto the Keeper of your Goal in *S.* within our said Prison, whom we likewise Command to receive him the said E. F. and him safely to keep, until he pay unto the said *A. B.* the full Sum above-mentioned, and be by him Released, and also satisfie your Fees. And this Writ with your doings, therein you are to Return unto our said Court of to be Holden at *S.* upon the *Tuesday* in *N.* next, Witness W. S. Esq; in *S.* the day of In the Year of our Reign.

T. H.

Execution. WILLIAM and MARY, &c. To our Sheriff or Marſhal of our County of S. or either of their Deputies Greeting. Whereas A. B. of C. Yeoman Recovered Judgment againſt D. E. of F. Carpenter before our Juſtices of our Court Holden for or within our ſaid County of S. on the laſt Tueſday in Moneth paſt, for the Sum of Pounds Shillings and Pence in Money Debt or Damage, and Pounds Shillings and Pence for Coſts of Suit as to us appears of Record whereof Execution remains to be done. We Command you therefore, That of the Goods, Chattels or Lands of the ſaid D. E. within your Precinct, you cauſe to be paid and ſatisfied, at the value thereof in Money the aforeſaid Sum of Pounds Shillings and Pence, with Shillings more for this Writ, and thereof alſo to ſatisfie your ſelf for your own Fees; and for want of ſuch Goods, Chattels or Lands of the ſaid D. E's to be by him ſhewn unto you, or found within your Precinct to ſatisfie the aforeſaid Sums. We Command you to take the Body of the ſaid D. E. and him Commit unto the Keeper of our Goal in B. within the ſaid Priſon, whom we likewiſe Command to receive the ſaid D. E. and him ſafely to keep, until he pay unto the ſaid A. B. the full Sum above-mentioned, and be by him Releaſed, and alſo ſatisfie your Fees, and this Writ with your doings therein you are to Return unto our ſaid Court to be Holden at B. upon the laſt Tueſday in Moneth next. Witneſs J. R. Eſq; in B. the day of 169 In the Year of our Reign.

J. W.

Scire Facias. WILLIAM and MARY &c. To our Sheriff or Marſhal of our County of S. &c. Greeting. Whereas C. D. before our Juſtices of our Court of Holden for or within our ſaid County of S at B the laſt Tueſday of in the Year of our Reign: By Conſideration of our ſaid Juſtices Recovered againſt A. B. of B Yeoman Pounds, Debt, or Damage, and alſo Shillings for Coſts and Charges by him about his Suit in that behalf. Expended whereof the ſaid C.D. is Convict, as to us appears of Record, and although the Judgement be thereof Rendred, yet the Execution of the ſaid Debt and Coſts doth yet remain to be made, whereof the ſaid C. D. hath Supplicated us to provide Remedy for him in that behalf. Now to the end, That Juſtice be done, We command you, that by honeſt and lawfull men of your Precinct, you make known to the ſaid C D that he be before our Juſtices of our Court of to be Holden in or for our ſaid County of S. at B. on the laſt Tueſday of next, to ſhew cauſe (if any he have) wherefore the ſaid C. D. ought not to have his Execution againſt him of the Debt and Coſt aforeſaid. And further

further to do and receive that which our ſaid Court ſhall then Conſider, and have there then the Names of them by whom to him you make known the ſame, and this Writ. Witneſs *J. R.* Eſq; at B. the day of In the Year of our Reign.

J. W.

Suffolk ſſ

TO *A. B.* of *C.* In Their Majeſties Names you are Required to make your Appearance before Their Majeſties Juſtices of the next Court of to be Holden for or within the County aforeſaid, at B upon the *Tueſday* of Inſtant, to give Evidence of what you know Relating to a Plea or Action of then and there to be Heard and Tryed betwixt *R. S.* Plaintiff, and *S. T.* Defendant. Hereof fail not as you will Anſwer your Default under the Pains and Penalty of the Law in that behalf made and provided. Dated in B the day of In the Year of Their Majeſties Reign. Summons to give Evidences

Suffolk ſſ

TO the Sheriff or Marſhal of the ſaid County, or Conſtables of the Town of *M.* or to any or either of them. In Their Majeſties Names You are Required to Replevin one of *T. P.* now Diſtreined or Impounded by J. G. and deliver the ſaid unto the ſaid *T. P.* Provided he give Bond to the value of with ſufficient Suretie or Sureties to Proſecute his Replevin at the next Inferiour Court of Pleas to be Holden for the ſaid County at B on the laſt *Tueſday* of and ſo from Court to Court until the Cauſe be Ended; and to pay ſuch Coſts and Damages as the ſaid J. G. ſhall by Law Recover againſt him. Hereof fail not, and make true Return of this Writ, with your Doings therein as the Law Directs. Dated in B. the day of In the Year of Their Majeſties Reign. Replevin

WILLIAM and *MARY* &c. To *A. B.* Greeting, Whereas in the Record and Proceſs, and alſo in giving Judgement, and Iſſuing Execution of a Suit which was before our Juſtices of our Inferiour Court of Pleas, Holden at B within the County of S on the *Tueſday* of laſt paſt, between C. D. Plaintiff, and F. G. Defendant of a Plea Error, Manifeſt doth appear to have Intervened, to the grievous Damage of the ſaid F. G. as of his Complaint We have received. We willing that Writ of Error.

Error, if any there be in this behalf, in due manner be Corrected, and ſpeedy Juſtice according to the Law, to the Party aforeſaid, therein be done as it becometh us. Command you, that if Judgement be thereon given, and Execution Iſſued, that the Record and Proceſs of the Suit aforeſaid and alſo the Execution thereon Iſſued, and all things touching the ſame in any manner, you have before our Juſtices of our Superiour Court of Judicature, at in our ſaid Province, the next, under your Seal; ſo that our ſaid Juſtices of our ſaid Superiour Court may then and there have them, and the Proceſs and Record aforeſaid, and alſo the ſaid Execution being inſpected, may further therein do what of right ought to be done. Have with you then this Writ. Witneſs At this day of In the Year of our Reign

Superſedeas

WILLIAM and *MARY*, &c. To the Sheriff of our County of Greeting, Whereas C. D lately in our Court of hath Recovered againſt F. G as well Pounds Debt as his Damages, which by occaſion of the Detaining of the ſaid Debt to him in our ſaid Court were adjudged, whereof he is Convict, as by the Record and Proceſs of the Suit aforeſaid, before our Juſtices of the ſaid Court fully appears, as from the grievous Complaint of the ſaid F. G We have received, and that in the Record and Proceſs, and in Rendring of Judgement of the Suit aforeſaid Error manifeſt hath Intervened to the grievous damage of the ſaid F. G and we willing that Error therein, if any be, in due manner be Corrected, and to the ſaid F. G full and ſpeedy Juſtice in this behalf to be done: have Commanded the aforeſaid by our Writ, that if Judgement therein be given, he diſtinctly and aptly ſend the Record and Proceſs of the Suit aforeſaid, with all things touching the ſame unto under his Seal, and that Writ, ſo that may have the day of next Enſuing, where that the Record and Proceſs being inſpected, we may cauſe further therein to be done as of right, and according to Law ought to be done. Nevertheleſs the Record and Proceſs aforeſaid, with all things touching the ſame before the aforeſaid day of into our ſaid Court of cannot conveniently be ſent, and ſo Error therein, if any be, in the mean time, cannot be diſcuſſed, and therefore we Command you that if before the Receiving of that Writ you have not made Execution of this Judgement aforeſaid then as well from further taking, Arreſting, Impriſoning, Exacting, Outlawing, or in any thing moleſting the aforeſaid F G on the occaſion aforeſaid, as of taking in Execution any Goods or Chattels, Lands or Tenements whatſoever of the ſaid F G by occaſion of the Judgement aforeſaid, until the Plea upon our Writ of Error to be corrected depending Undiſcuſſed be fully determined, you altogether Superſede, and have with you then and there this Writ. Witneſs W. S Eſq; at B the day of In the Year of our Reign

An Act,

For Regulating Fees.

Be it Enacted and Ordained by the Governour, Council, and Representatives, Convened in General Court or Assembly.

And it is hereby Enacted and Ordained by the Authority of the same.

That the Establishment of the Fees belonging to the several Offices in this Province; be as followeth.

Justices Fees.

	l	s	d
For every Attachment or Summons for Actions not Exceeding Forty Shillings, Sixpence.	00	00	6
Sub-Pœna, each Witness, Two-Pence.	00		2
Entring the Action, Three Shillings.	00	03	
Every Execution, Two Shillings.	00	02	
Filing Papers, each Paper Two-pence	00		2
Every Warrant for Criminals, one Shilling.	00	01	
Bond for Appeal, one Shilling.	00	01	
Copy of Evidences, the least Six-pence.	00	00	6
Copy of a Judgment, Six-pence.	00	00	6
Every Recognizance, Two Shillings.	00	02	
Confessing Judgment; one Shilling.	00	01	
Affidavit out of Court,	00	01	
Each Dayes attendance at the Sessions, to be paid out of the Fines, Four Shillings.	00	04	
Acknowledging of a Deed or Mortgage or any other Instrument,	00	02	

Corol

Coroners Fees.

	l	s	d
FOr taking every Inquiſition, to be paid out of the Eſtate of the deceaſed Thirteen Shillings and Four pence.	00	13	04
If no Eſtate, then to be paid by the County Treaſurer, Six Shillings and Eight-Pence.	00	06	08

Fees for Probate of Wills, granting Adminiſtrations. &c.

	l	s	d
FOr granting Adminiſtration, Bond and Letter of Adminiſtration, under the Seal of the Office, if the Inventory amount to Thirty pounds or upwards, to the Judge Four Shillings, to the Regiſter Three Shillings, Six-pence.	00	07	06
If the Inventory be under Thirty Pounds, Five Shillings.	00	05	00
Probate of a Will where the Inventory amounts to Thirty Pounds or upwards; to the Judge Three Shillings and Sixpence to the Regiſter Two Shillings and Sixpence.	00	06	00
If under Thirty Pounds, Four Shillings	00	04	00
Recording a Will or Inventory of one page, & Filing the ſame, Two Shillings and Sixpence	00	02	06
If more, each page of Twenty eight lines eight words in a line, one Shilling.	00	01	00
For a Copy of a Will or Inventory, Twelve pence a page, each page to contain as aforeſaid.	00	01	00
Allowing Accompts, Settling and Dividing of Inteſtate Eſtates, Five Shillings.	00	05	00

Every

	l	s	d
Every Citation, One Shilling	00	01	00
Every Quietus, Four Shillings	00	04	00
Warrant for Apprizement, Two Shillings	00	02	00
Making out a Commiſſion to receive and Examin the Claims of Creditors to Inſolvent Eſtates and Regiſtring of the ſame, Three Shillings	00	03	00
Regiſtring of the Commiſſioners Report after the Rate of One Shilling *Per* Page, to be accounted as aforelaid.			
For Entring an Order upon the Adminiſtrator to pay out the Eſtate in proportion unto the ſeveral Creditors Returned by the Commiſſioners, One Shilling and Six-pence.	00	01	06

Secretarys Fees

	l	s	d
For Engroſſing the Acts or Laws of the General Aſſembly, Ten Shillings each, to be paid out of the Publick Revenue	00	10	00
Every Commiſſion for the Juſtices of each County, and Comiſſion of Oyer and Terminer Ten Shillings, to be paid out of the Publick Revenue	00	10	00
Every Commiſſion for a Military Officer, Three Shillings, to be paid out of the Publick Revenue	00	03	00
Special Warrant or Mittimus by Order of the Governour and Council, each Two Shillings & Six-pence,	00	02	06
Every Commiſſion under the Great Seal for Places of Profit, Ten Shillings	00	10	00
Every Bond Two Shillings	00	02	00
Every Order of Council to the benefit of particular perſons, Two Shillings and Six-pence,	00	02	06
Every Petition to the Governour and Council or General Aſſembly according to the Import from two Shillings and Six-pence to Ten Shillings			
A Pats or Sea Brief, Three Shillings	00	03	00
A Bill of Health, Three Shillings	00	03	00
Every Writ for Electing of Aſſembly-Men directed to the Sheriff or Marſhal, under the Province Seal, Five Shillings, to be paid out of the Publick Revenue.	00	05	00

	l	s	d
For Tranſcribing the Acts or Laws paſſed by the General Aſſembly into a Book, Twelve-pence a Page, each page to contain Twenty Eight Lines, Eight Words in a Line, and ſo proportionably, to be paid out of the Publick Revenue.			

In the Superiour Court

The Juſtices Fees.

ENtry of every Action for Tryal, Twelve Shillings.	00	12	00
out of which to the Clerk, Two Shillings.	00	02	00
Taking every Special Bayl, Two Shillings.	00	02	00
Allowing of a Writ of Error, Three Shillings	00	03	00
Allowing a *Habeas Corpus*, Two Shillings.	00	02	00
Confeſſing Judgement, Two Shillings.	00	02	00
Acknowledging Satisfaction of a Judgment on Record one Shilling	00	01	00
In all Criminal Caſes where a Fine is ſet, Six Shillings	00	06	00
Taxing every Bill of Coſt, One Shilling	00	01	00

Clerks Fees.

Every Writ and the Seal, One Shilling and Six-pence.	00	01	06
Every Rule of Court, Six-pence			06
Filing every Declaration, One Shilling	00	01	00
To the Jury to be paid down by the Plaintiff, Six Shillings Sixpence	00	06	06
Entring Appearance, Six-pence			06
Signing a Judgement by Default, One Shilling	00	01	00
Taking every Verdict and Recording it, One Shilling	00	01	00
Copies of all Records, Twelve-pence a page, each page containing Twenty Eight Lines eight words in a Line. Leſs then One Page, One Shilling.	00	01	00
Every Action withdrawn non Suit, One Shilling.	00	01	00
Every Petition Read, One Shilling.	00	01	00
Order thereon One Shilling.	00	01	00
Filing the Records of each Action, Two-pence a Paper	00	03	00
Every Execution, Two Shillings	00	02	00

In Criminal Caſes

Drawing and Ingroſſing every Indictment or Information, Two Shillings	00	02	00

Every

	£	s	d
	00	s	d
Every Appearance Six-pence.	00	00	06
For the Discharge of any person upon Bail for the peace, good behaviour, Contempt and the like and Warrant thereon, One Shilling.	00	01	00
For Awarding and making forth Process against the Defendant on Information, One Shilling	00	01	00
Every Warrant for the peace, or good behaviour One Shilling	00	01	00

In the Inferiour Court

Justices Fees.

Entry of every Action, Ten Shillings.	00	10	00
Of which the Clerk is to have Two Shillings	00	02	00
Taking Special Bail Two Shillings	00	01	00
Confessing Judgment One Shilling } of which the Clerk one Quarter			
Acknowledging Satisfaction of Judgment on Record, One Shilling	00	01	00
Taxing every Bill of Cost, One Shilling	00	01	00
whereof Six-pence to the Clerk	00	00	06
To the Jury to be paid down by the Plaintiff, Six Shillings Six-pence.	00	06	06

Clerks Fees

For every Writ and Seal, One Shilling.	00	01	00
Entring Appearance six-pence	00	00	06
Entring and Recording the Verdict, One Shilling.	00	01	00
Making up the Record, One Shilling	00	01	00
Copys of all Records Twelve Pence each page as before	00	12	00
Every Action withdrawn or Non-Suit, one shilling	00	01	00
Every Execution Two shillings	00	02	00

Clerk of the Sessions or Peace, his Fees.

Entring Complaint or Indictment, Two shillings	00	02	00
Discharge of a Recognizance, One Shilling	00	01	00
Making forth Process against Criminals, One shilling	00	01	00
Every Summons Three-pence.	00	00	03
Every Warrant for the Peace, or good Behaviour, one shilling	00	01	00
Every Licence for Houses of Publick Entertainment or Retailing, Five shillings	00	04	00
whereof two to the Clerk	00	02	00

Sheriff or Marshals Fees

or Constables

	l	s	d
For Serving every Summons for Tryal, one shilling	00	01	00
Every Capias or Attachment, Two shillings	00	02	00
And if above one Mile, three-pence *per* Mile besides			
Bayl Bond, One Shilling.	00	01	00
Levying Execution, for the first Twenty Pound or under, One shilling *Per* Pound, above that, not Exceeding Forty Pound, six-pence *per* Pound			
Above Forty Pound, not exceeding One Hundred Pound Three-pence *per* Pound, for whatsoever it exceeds One Hundred Pound, Two-pence *per* Pound. Besides Four-pence *per* Mile for Travel from Home.			
Every Tryal, One shilling	00	01	00
Every Precept for Choosing of Representatives Two Shillings, to be paid out of the County Assessment.	00	02	00

Cryers Fees.

For calling of the Jury, six-pence.	00	00	06
Every Non Suit, Twelve-pence	00	01	00
Every Verdict, Twelve-pence.	00	01	00

Goalers Fees.

For Turning of the Key upon every Prisoner Committed five shillings, *viz.* Commitment 2*s.* 6*d.* Discharge 2*s* 6*d.*	00	05	00
for Diet for each Prisoner, Two Shillings and six-pence *per* week, and so proportionable, he finding the same.	00	02	06

And be it further Enacted by the Authority of the same.

That what Officer soever shall ask, demand and take any greater or other Fee's than are beforementioned for the matters aforesaid, or any of them, and be thereof duly Convicted in any Court of Record within this Province, shall forfeit and pay the sum of Ten Pounds current Money, One Moiety whereof to be unto Our Soveraign Lord and Lady the King and Queen, Their Heirs and Successors for and towards the Support of the Government of this Their Province, and the contingent charges thereof; And the other Moiety unto the

the Informer or him that ſhall ſue for the ſame in any Court of Record; wherein no Eſſoign, protection, or wager of law ſhall be allowed. And ſhall further pay unto the party grieved, double the value of the exceſſive Fees ſo taken.

An Act,

For Aſcertaining the number, and Regulating the Houſe of Repreſentatives.

WHereas Their Majeſties have been Graciouſly pleaſed by Their Royal Charter, to grant power unto the Great and General Court or Aſſembly of Their Province of the *Maſſachuſetts-Bay*; from time to time to direct, appoint, and declare, what number of Repreſentatives each County, Town or place ſhall Elect and Depute to ſerve for and Repreſent them Reſpectively, in the ſaid Aſſembly:

Be it therefore Enacted and Ordained by his Excelleney the Governour, Council and Repreſentatives, now in General Court Aſſembled, And by the Authority of the ſame:

That henceforth every Town within this Province, conſiſting of the Number of Forty Freeholders, and other Inhabitants qualified by Charter to Elect ſhall and hereby are Injoyned to Chooſe and ſend one Freeholder as their Repreſentative; and every Town conſiſting of the Number of one Hundred & Twenty Freeholders and other Inhabitants, qualified as aforeſaid, or upwards may ſend Two ſuch Repreſentatives, and each Town of the number of Thirty Freeholders, and other Inhabitants qualified as aforeſaid, or upwards, under Forty, are at liberty to ſend, or not; but may Chooſe and ſend one Repreſentative, if they think fit, to ſerve for and Repreſent them Reſpectively in every Seſſion of the Great and General Court or Aſſembly from time to time. And all Towns under Thirty Freeholders may ſend one to Repreſent them, or Joyn with the next Town in the Choice of their Repreſentatives, they paying a proportionable part of the Charge. And no Town, ſhall at any time ſend more than Two Repreſentatives, except *Boſton*, who are hereby granted to chooſe and ſend Four.

And be it further Enacted by the Authority aforeſaid.

That when and ſo often as His Excellency the Governour ſhall ſee cauſe to Convene and Hold a Great and General Court or Aſſembly, Writts ſhall Iſſue out from the Secretarys Office under the Seal of the Province, and Signed by the Governour, Thirty days at leaſt, before the time appointed for ſuch Aſſemblys meeting, directed unto the Sheriffs of the ſeveral Counties. And where there is no Sheriff in any County or place there to be directed to the Marſhall, commanding each of them reſpectively to ſend his Precepts to the Select men of the ſeveral and reſpective Towns within ſuch County, to Aſſemble and call together the Freeholders and other Inhabitants qualified as aforeſaid, to Chooſe and Elect one or more Freeholders, as the number in each Town is more or leſs, as above, to ſerve for and Repreſent them in ſuch Great and General Court or Aſſembly: The major part of the Select-men in each Town reſpectively, to be preſent at ſuch Meeting, and to give Directions for the regular and orderly Carrying on of the ſame: Who are to Return the ſaid Precept, with the Names of ſuch as ſhall be Choſen by the major part of the Electors preſent at ſuch Meeting, under their Hands unto the Reſpective Sheriffs or Marſhals, by them to be returned into the Secretary's Office, one day, at the leaſt, before the time prefixed for the ſaid Court or Aſſemblies Sitting.

And it is further Enacted by the Authority aforeſaid

That the Repreſentatives Aſſembled in any Great and General Court, ſhall be the Sole Judges of the Elections and Qualifications of their own Members; and may from time to time Settle, Order and Purge their Houſe, and make ſuch neceſſary Orders for the due Regulation thereof, as they ſhall ſee occaſion. And Forty Repreſentatives at any time ſo Aſſembled, ſhall be accounted a Number ſufficient to Conſtitute a Houſe, Paſs Bills, and to Tranſact and Do Buſineſs proper to be done in that Houſe; and ſuch Acts to be eſteemed valid and of Effect.

And it is further Enacted by the authority aforeſaid

That each Town reſpectively ſhall pay unto their ſeveral Repreſentatives, during their Attendance on the Court, and for the neceſſary Time Expended in their Journeying to and from thence; Three Shillings in Money *Per Diem* within one Moneth next after the end of each Seſſion Commencing from his Excellencies Arrival.

And

And it is further Enacted by the Authority aforesaid

That every person Chosen to Serve for, and Represent any Town in the General Assembly, and accepting thereof, shall give his constant Attendance, during their Sessions, on pain of Forfeiting the Sum of Five Shillings *Per Diem* for his Neglect (without just Excuse made and allowed of by the House of Representatives) to be paid unto the Clerk of the said House, and is to be disposed of and Imployed as the House shall Direct; and in default of payment, to be Levied by Distress upon such Delinquents Goods, by Warrant from the said Clerk, by Order of the House, directed to the Sheriff of the County, his Under-Sheriff or Deputy, or Constable of the Town where such Representative Dwells: And no Representative shall depart or absent himself from the General Assembly, until the same be fully Finished, Adjourned or Prorogued, without the Licence of the Speaker and Representetives Assembled, to be Entred upon Record in the Clerks Book, on pain to every one so Departing or Absenting himself in any other manner, to lose his Wages. And the Inhabitants of such Town for which he Serves, shall be clearly Discharged of the said Wages against such person and his Executors for ever.

And further it is Enacted by the authority aforesaid

That no Member of the General Assembly, or his Servant during the time of their Sessions, or going to and from thence shall be Arrested, Sued, Imprisoned, or any ways molested or troubled or Compelled to make answer to any Suit, Bill, Plaint or Declaration, or otherwise: Cases of High Treason and Felony Excepted.

AN

An Act,

For the preventing of Danger by the French Residing within this Province.

THere having been frequent Complaints made to this Court, That altho' several *French* Protestants who lately fled from Persecution; Came Over-Sea into this Province, and were Charitably Entertained and Succoured here; yet since that, many of a Contrary Religion and Interest, have been brought hither; and others have Obtruded themselves; which (especially in this time of War, between the Two Crowns of *England* and *France*) proves a grievous Inconvenience; and the publick safety is endangered, by suffering such a mixt Company among us.

For Remedy Whereof,

IT is Enacted and Ordained by the Governour, Council, and Representatives, Convened in General Assembly; and by the authority of the same.

That from and after the Second Day of *January* next Ensuing; none of the *French* Nation be permitted to reside or be in any of the Sea-Port or Frontier Towns within this Province; but such as shall be Licensed by the Governour and Council. Nor shall any of said Nation open Shop, or Exercise any Manual Trade in any of the Towns of this Province; without the Approbation of the Select-Men, first orderly obtained in Writing under their hands, on pain of Imprisonment.

And any Two Justices of the Peace *Quorum Unus*, within their Respective Precincts, are hereby Impowred to Commit to Prison any Person or Persons Legally Convicted of Offending against this Act; upon the Complaint of the Select-Men in any Town, or any Two of Them; and to remain in Prison until Released by Order of the Governour and Council.

An Act

An Act,

Againſt Conjuration, Witchcraft, and Dealing with Evil and Wicked Spirits.

FOR more particular Direction in the Execution of the Law againſt Witchcraft.

Be it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, And by the Authority of the ſame.

That if any perſon or perſons ſhall uſe, practiſe or Exerciſe any Invocation or Conjuration of any Evil and wicked Spirit, or ſhall Conſult, Covenant with, Entertain, Employ, Feed or Reward any Evil and Wicked Spirit to or for any intent or purpoſe, or take up any Dead Man, Woman or Child, out of his, her, or their Grave, or any other Place where the Dead Body Reſteth, or the Skin, Bone, or any other part of any Dead Perſon to be Employed or uſed in any manner of Witchcraft, Sorcery, Charm or Inchantment, or ſhall Uſe, Practice or Exerciſe any Witchcraft, Inchantment, Charm or Sorcery, whereby any perſon ſhall be Killed, Deſtroyed, Waſted, Conſumed, Pined or Lamed in his or her Body, or any part thereof; That then every ſuch Offender or Offenders, their Aiders, Abetters, and Counſellors, being of any of the ſaid Offences duly and lawfully Convicted and Attainted, ſhall ſuffer pains of Death, as a Felon or Felons.

And further to the intent that all manner of Practice, Uſe or Exerciſe of Witchcraft, Inchantment, Charm or Sorcery, ſhould be henceforth utterly avoided, aboliſhed and taken away.

Diſallow?

Be it Enacted by the authority aforeſaid

That if any perſon or perſons ſhall take upon him or them by Witchcraft, Inchantment, Charm or Sorcery to tell or declare in what place any Treaſure of Gold or Silver ſhould, or might be found or had in the Earth, or other ſecret places; Or where Goods or Things Loſt or Stolen ſhould be found or become; Or to the intent to provoke any perſon to unlawful Love; Or whereby any Cattel or Goods of any perſon ſhall be Deſtroyed, Waſted or Impaired; Or to hurt or deſtroy any perſon in his or her Body, although the ſame be not effected and done: That then all and every ſuch perſon and perſons ſo offending, and being thereof lawfully Convicted, ſhall for the ſaid Offence ſuffer Impriſonment by the ſpace of one whole year, without Bail or Mainprize, and once in

every Quarter of the ſaid Year, ſhall in ſome Shire Town, ſtand openly upon the Pillory by the ſpace of ſix hours, and there ſhall openly confeſs his or her Error and Offence, which ſaid Offence ſhall be written in Capital Letters, and placed upon the Breaſt of ſaid Offender.

And if any perſon or perſons being once Convicted of the ſame Offence, and ſhall again Commit the like Offence, and being of any of the ſaid Offences the ſecond time lawfully and duly Convicted and Attainted as is a foreſaid, ſhall ſuffer pains of Death, as a Felon or Felons.

An Act,

For Regulating the former Aſſeſsment, and for Granting an Additional Supply of Money.

WHEREAS by an Act of this Aſſembly, made at their Firſt Seſſions, begun the Eigth Day of *June* laſt paſt, Entituled, *An Act for the Granting unto Their Majeſties an Aſſeſsment upon Polls and Eſtates*) There was Granted unto Their Majeſties for the Defence of their Subjects and Intereſts, and for Proſecution of the War againſt the *French* and *Indian* Enemy, and the Defraying of other Publick Charges of the Province, a Rate or Tax of Ten Shillings *Per Poll* of all Male Perſons of Sixteen Years and upwards, and a quarter part of one years value or Income of all Eſtates Real and Perſonal, to be Aſſeſſed and Levied in manner as in and by the ſaid Act is directed.

And foraſmuch as it appears, That in proſecution thereof, the Rules therein given have not been fully underſtood, or at leaſt not attended which has occaſioned an Inequality, and the Sum thereupon returned, to fall greatly ſhort of what was expected, and of anſwering the neceſſity of the Publick Occaſions. Therefore to the Intent that there may be a Regulation of the ſaid Tax, and a further Supply made for their Majeſties Service, to the ends before mentioned.

Be it Ordained and Enacted by the Governour, Council, and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame.

That there be Two Commiſſioners appointed by this Court, for each

each County within the Province, to pass into the several Towns lying within such County, at or before the Twenty Second day of *February* next coming; Who, together with the Select-men and Commissioner of each Town respectively, that made the Lists of said Assessment shall Review the same; which the said Select-men and Town Commissioners shall then Exhibit and Expose in the particulars thereof, both of Polls and Estate within such Town, with an Addition of all Polls and Estate which were before omitted, as well Noting the Names of all persons whom through Age and Infirmity, they expect should be exempted from the Poll Tax, as others. And the said Select-men, Town and County Commissioners, shall Regulate, Correct and Perfect such Lists according to the Rates herein after-mentioned; setting down the Sums both for Heads and Estate in distinct Columns, *That is to say*, each Male Person of Sixteen Years old and upwards, (except such as are by Law excepted) at Ten Shillings by the Poll, and all Houses, Warehouses, Tan-Yards, Orchards, Pastures, Meadows and Lands, Mills, Cranes and Wharffs, to be Estimated at seven years Income, as they are or may be Let for in the respective places where they lye; which seven years Income is to be Esteemed and Reputed the value of such Estate upon said Tax, and each Hundred Pound in value to be Rated Thirty Shillings thereto; Cattle to be valued as follows: *To wit*, each Ox and Horse kind of four years old or upwards, at Forty Shillings; each Cow of three years old or upwards, at Thirty Shillings; all Sheep and Swine of one year old or upwards, at Four Pound *per* Score. All Shipping, Goods, Wares, Merchandizes and Trading Stock and Estate by the Rule of common Estimation at the best discretion of the Assessors. Every Handicrafts man for his Income at discretion aforesaid. Every Male Slave of Sixteen Years Old or upwards, at Twenty Pounds Estate. All which particulars of Estate aforesaid, as well Real as Personal, shall be Assessed to said Tax, Thirty Shillings for each Hundred Pound in value, and so proportionably; and where any Fermer or Occupier of Housing or Lands lying within any Town or Precinct, shall be hereafter Assessed to any Publick Tax of the Province for such Housing or Lands in his Occupation, the Landlord shall Reimburse the said Fermer or Occupier such Sum and Sums of Mony as he shall pay for the same, where no particular Contract is made to the contrary.

And further it is Enacted by the authority aforesaid

[illegible] person who shall [illegible] give in to the Select-Men a particular Account of his Estate, shall be Assessed as aforesaid at discretion; and every person who shall give in a partial account shall be alike assessed doubly for so much as he leaves out; and if any Person find him-

self agrieved at any sum or sums that shall be set upon him by the Assessors, he may make application unto them for relief; and if he be not thereby eased, may further apply unto the Justices of such County at the next Quarter Sessions, and making it appear to them that he is over rated, they shall order an abatement accordingly.

And it is further Enacted by the Authority aforesaid

That the Lists of the Respective Towns being Examined, Regulated, and Perfected as aforesaid; and Signed by the select men, and Town Commissioner, shall be delivered unto the Commissioners for such County, and by them brought to *Boston* upon the First Wednesday in *March* next where the Comissioners for each County or the Major part of them, then and there met shall be a Committee to take an account of the sum total of each List, and if the whole shall not amount to the sum of Thirty Thousand Pounds (including the Sum already returned unto the Treasurer, for which his Warrants are gone forth) then the said Committee are hereby Impowred to make a further addition upon each Town Proportionably to what shall be wanting to make up Thirty Thousand Pounds in the whole, including as aforesaid. And if it appear unto the said Committee that any Town or County shall have been generally defective in not attending the Rules and Directions herein before given for the said Tax; then they are to Report the same unto the General Assembly at their next sitting to be Rectified and adjusted; but shall forthwith deliver the said Lists with the additional Sums made in the same unto the Treasurer, who is hereby Ordered and Impowred upon receipt thereof to Issue forth his Warrants affixed to said Lists and directed to the Constables or Collectors for each Town Respectively, for the Collecting and Levying of the same which is hereby granted to be paid in Money or other wise to the Treasurers satisfaction unto the Treasurer, his Deputy or Deputys. And for manner and time as follows.

Ten Thousand Pounds part of said Sum (besides what the Treasurers Warrants are already out for) at or before the First day of *May* next: and the full remainder of said Sum to make up the Thirty Thousand Pound as aforesaid; at or before the last day of *February*, which will be in the Year of Our Lord One Thousand Six Hundred Ninety Three.

Provided nevertheless, where the Treasurer shall Order payment to particular persons within their Respective Towns or Neighbourhoods for Wages, or any other Disburtements due, in such case payment to be made in Merchantable Grain, Provisions or Cloathing, each to be at their rant Money Price.

And it is further Enacted by the authority aforesaid

That the Commissioners for the several Counties for the ends within mentioned, be, as hereafter named, That is to say, For *Suffolk*, Captain *Ten Townsend*, and Mr. *Timothy Tilestone*: For *Essex*, Captain *Samuel Gardner*,

ter, and Mr. *Nehemiah Jewet*; For *Middlesex*, Major *Thomas Henchman*, and Mr. *Matthew Johnson*; For *Plimouth*, Captain *Nathaniel Thomas*, and Mr. *Samuel Cleo*: For *Barnstable*, Captain *Thomas Lumper*, and Mr. *John Otis*: For *Bristol*, Captain *John Brown*, and Mr. *Samuel Peck*: For *Hampshire*, Captain *Samuel Partrig*, and Mr. *Joseph Hawley*: For *Yorkshire*, Mr. *John Wheelwright*, and Mr. *James Emery*: For *Martha's Vineyard* and *Nantucket*, Captain *John Gardner*, and Mr. *Joseph Norton*. And if any Select-men or Assessors, or Town Commissioner, shall wilfully neglect or refuse to perform their Duty in the due and speedy Execution of this present Act, and be thereof Convict upon Information and Prosecution before the Justices in Quarter Sessions within the County whereto such person belongs; the said Court may impose upon such person or persons so refusing or neglecting any Fine, not exceeding Five Pounds for any Offence; the same to be Levied and paid in to the Treasurer for the Use of Their Majesties, towards the Support of the Government of the Province, and Incident Charges thereof.

And it is further Enacted

That the Select-men and Assessors in each Town, be, and hereby are Impowred (if they think fit) to Nominate and Appoint one or more able and sufficient persons within the Bounds and Limits of such Town, to be Collectors of the Money due to Their Majesties by this Act, for whose paying unto the Treasurer, his Deputy or Deputies, such Money as they shall be Charged withal, the Town by whom they are so Imployed, shall be Answerable.

And it is further Enacted

That if any Constable or Collector shall be Remiss and Negligent of his Duty in not Levying and Paying unto the Treasurer, his Deputy or Deputies, such Sum and Sums of Money, as from time to time he shall have received, and as ought by him to have been paid within the respective times Set and Limited by the Warrant, or Estreat to him Committed, pursuant to the Acts of this Assembly, referring to said Tax, and is not paid, by reason of his failing in doing his Duty according to the Directions and Command therein: The Treasurer is hereby Impowred by Warrant under the Hand and Seal, after the Expiration of the time so set, to Levy all such Sum and Sums of Mony by Distress and Sale of such Defective Constable or Collectors Goods and Chattels, returning the Overplus (if any be) and for want of such Distress, to Commit the Offender to the Common Goal of the County.

Be it Further Enacted

That if any Person, or Persons, shall refuse to pay the Several Sum and Sums, and Proportions, as have been, or shall be Further Assessed upon him or them, to pay in pursuance of this or the Former Act Relating to said

Tax, or Assessment upon Demand made by the Constable or Collector of the Town, place or precinct according to the precept or Estreats to him delivered. It shall and may be lawfull to and for such Constable, or Collector, who are hereby thereunto Authorized and Required for Nonpayment thereof, to Distrein the Person or Persons so refusing by his or their Goods or Chattels, and the Distress or Distresses so taken to keep by the Space of Four Dayes at the Cost and Charges of the Owner thereof. And if the said Owner do not pay the Sum and Sums of moneys to assessed upon him, within the said four dayes, then the said Distress or Distresses to be apprized by two or three of the Inhabitants where the Distress is taken, and to be sold by the said Officer for payment of the said mony, and the Overplus coming by the said Sale (if any be) over and above the Charges of taking and keeping the said Distress or Distresses to be immediately returned to the Owner: And if any person or persons Assessed as aforesaid, shall refuse or neglect to pay the sum or sums so assessed, by the Space of Twenty Dayes after demand thereof, where no sufficient Distress can or may be found, whereby the same may be Levied, in every such Case, two or more of the Select-men or Assessors in such Town, are hereby Authorized, by Warrant under their Hands and Seals to Commit such person or persons to the Common Goal, there to be kept without Bail or Mainprize until payment shall be made.

Constable or Collectors Power to Distrein

For want of Distress to Commit the Person.

And it is further Enacted

That where any Person or Persons have removed, or shall remove from any Town or place where he or they lived or had their residence at the time of makeing the Lists of any Tax or Assessment, not having before paid the respective Sums or Proportion set upon them by said Tax, it shall and may be lawful to and for the Constable or Collecter, to whom any such Tax or Assessment is committed, with Warrant to Collect, who are hereby Authorized and Impowered to demand the sum or sums Assessed upon such person and persons, in what Town or place soever he or they may be found; and upon refusal or neglect to pay the same, to Distrein the said person or persons by his or their Goods and Chattels as aforesaid. And for want of such Distress, to Commit the party to the Common Goal, there to remain until payment be made.

Provision in case of persons Removal

And for a present Supply

of Moneys to carry on the Publick Occasions of the Government for the ends within mentioned.

It is further Enacted and Ordained by the authority aforesaid

That the Governour and Council are and hereby are Impowred to Borrow and take up upon Loan of any person or persons any sum and sums of money, not Exceeding Five Thousand Pounds upon the Credit of this Act, and to make over and give for Security unto the person and

Tax

and persons so Lending the one Third Part of the Moneys granted and to be Collected by virtue of the same, for the Repayment of the Moneys that shall be lent; with Interest for Forbearance after the Rate of seven *Per Cent. Per Annum*; the said Interest Money to be paid at the end of every Three Months until repayment of the Principal.

Bills of Credit made current in Publick Payments.

AND WHEREAS much of the Arrears of the Rates and Assessments which were granted as a Fund for the Bills of Credit Emitted by the Late Government of the *Massachusetts Colony*, have been and are daily bringing in to Their Majesties Treasury of this their Province, and Imployed in Payment of the Publick debts thereof, there being but few of those Bills now standing out; except what were borrowed by the present Government.

It is therefore Enacted.

That all the said Bills, as well those not Endorst, as others, shall be received in payment of all Taxes, or Assessments, and other Publick Payments whatsoever at Five Pound *per Centum* advance; any Act or Law to the contrary notwithstanding. And that those that have lent their Bills to the Treasury, shall have the same allowance of Five Pound *Per Centum*; for so much as shall be repaid them by discount, *Bona Fide* on their own account, with the Treasurer, for Rates, Impost, or Excise.

An Act,

For the better Securing the Liberty of the Subject, and for prevention of Illegal Imprisonment.

FOr the speedy Relief of all Persons Imprisoned for Criminal, or suppos'd Criminal Matters, in such Cases where by Law they are Bailable.

Be it Enacted by the Governour, Council and Representatives in General Assembly Convened, and it is Enacted by the Authority of the same

Dudley.

That whensoever any person or persons shall bring any *Habeas Corpus* directed

Directed unto any Sheriff or Sheriffs, Goaler, Minister or other person whatsoever, for any person in his or their Custody, and the said Writ shall be served upon the said Officer, or left at the Goal or Prison with any of the Under-Officers, Under-Keepers or Deputy of the said Officers or Keepers, that the said Officer or Officers, his or their Under Officers, Under-keepers or Deputies, shall within three dayes after the Service thereof as aforesaid (unless the Commitment aforesaid were for Treason or Felony, plainly and specially expressed in the Warrant of Commitment) upon payment or Tender of the Charges of bringing the said Prisoner to be Ascertained by the Judge or Court that Awarded the same, and indorsed upon the said Writ, not exceeding Twelve-pence *per* Mile, and upon Security given by his own Bond to pay the Charges of carrying back the Prisoner, if he shall be Remanded by the Court or Judge, to which he shall be brought according to the true intent of this present Act, and that he will not make any Escape by the way, make Return of such Writ; and bring, or cause to be brought the Body of the Party to Committed or Remained, unto, or before the Chief Justice, or any other of the Justices of the Superiour Court; And shall then likewise certifie the true Causes of his Detainer or Imprisonment, unless the Commitment of the said Party be in any place beyond the distance of Twenty Miles from the place or places where such Court or Person is or shall be Residing: and if beyond the distance of Twenty Miles, and not above One Hundred Miles, then within the space of Ten days, and if beyond the distance of One hundred Miles, then within the space of Twenty days, after such the delivery aforesaid, and not longer.

Writs of Habeas Corpus *within three dayes after service to be returned and the body brought, if within 20 miles &c.*

And to the Intent that no Sheriff, Goaler or other Officer, may pretend Ignorance of the Import of any such Writ.

Be it Enacted by the Authority aforesaid

That all such Writs shall be Signed by the person that Awards the same; & if any person or persons, shall be or stand Committed or Detained as aforesaid, for any Crime, unless for Felony or Treason, plainly expressed in the Warrant of Commitment, in the Vacation time, and out of Term, it shall and may be lawful to and for the person or persons so committed or detained (other than persons convict, or in Execution) by Legal Process or any one on his or their behalf, to appeal or complain to one or more of Their Majesties Justices of the Superious Court, and the said Justice or Justices upon view of the Copy or Copies of the Warrant or Warrants of Commitment and detainer; or otherwise upon Oath made, that such Copy or Copies were denied to be given by such person or persons in whose custody the Prisoner or prisoners is or are detained, are hereby Authorized and Required upon request made in Writing by such person or persons, or any on his, her, or their behalf attested and subscribed by two Witnesses who were present at the Delivery of the same, to award and Grant an *Habeas Corpus* under the Seal of the said Court, to be Directed to the Officer or Officers

Writs of Habeas Corpus *and the Proceedings there on in vacation time.*

Officers, in whose Custody the Party so Committed or Detained shall be, Returnable immediately before the said Court, Justice, or Justices; and upon Service thereof as aforesaid, the Officer or Officers, his or their Under-Officer, or Under-Officers, Under-Keeper, or Under-Keepers, or Deputy, in whose Custody the Party is so Committed or Detained, shall within the times respectively before Limited, bring such Prisoner or Prisoners before the said Justice, before whom the said Writ is made Returnable, and in case of his Absence, before any other of them, with the Return of such Writ, & the true Causes of the Commitment & Detainer, & thereupon within two days after, the Party shall be brought before the said Court, Justice, or Justices, the said Court, or Justice, before whom the Prisoner shall be brought as aforesaid, shall Discharge the said Prisoner from his Imprisonment, taking his or their Recognizance, with one or more Surety or Sureties in any Sum, according to their Discretions, having Regard to the Quality of the Prisoner, and nature of the Offence, for his or their Appearance in the said Superiour Court, the Term following, or at the next Assizes, Sessions or General Goal Delivery within or for such County, or place where the Commitment was, or where the Offence was Committed, or in such other Court where the said Offence is properly Cognizable as the Case shall Require; and then shall Certifie the said Writ, with the Return thereof, and the said Recognizance or Recognizances into the said Court where such Appearance is to be made; unless it shall appear unto the said Court or Justice, that the Party so Committed, is Detained upon a Legal Process, Order or Warrant out of some Court that hath Jurisdiction of Criminal Matters, or by some Warrant, Signed and Sealed with the Hand and Seal of any of the said Justices, or some Justice or Justices of the Peace, for such Matters or Offences, for the which by the Law the Prisoner is not Bailable.

persons neglecting two Terms to pray a *Habeas Corpus* shall have none in vacation-time, in pursuance of this Act,

Provided always, and be it Enacted, That if any person shall have wilfully neglected by the space of two whole Terms after his Imprisonment, to pray a *Habeas Corpus* for his Enlargement; such Person so wilfully neglecting, shall not have any *Habeas Corpus* to be Granted in vacation time, in pursuance of this Act.

officers how to be proceeded against for not obeying such Writs.

And be it further Enacted by the authority aforesaid, That if any Officer or Officers, his or their Under-Officer or Under-Officers, Under-Keeper or Under-Keepers, or Deputy, shall neglect or refuse to make the Returns aforesaid, or to bring the Body or Bodys of the Prisoner or Prisoners, according to the Command of the said Writ, within the Respective Times aforesaid: or upon Demand made by the Prisoner or Person in his behalf; shall Refuse to Deliver, or within the Space of Six Hours after Demand, shall not Deliver to the Person so Demanding, a True Copy of the Warrant or Warrants, of Commitment and Detainer of such Prisoner; which he & they are hereby Required to Deliver accordingly, all & every the Head Gaolers & Keepers of such Prisons, & such other Person in whose Custody the Prisoner shall be Detained; shall for the First Offence, Forfeit to the Prisoner or Party grieved the sum of Fifty Pounds; & for the Second Offence, the Sum of One Hundred Pounds; and shall and is hereby made incapable to hold

hold or execute his said Office; the said Penalties to be recovered by the Prisoner or Party grieved, his Executors or Administrators, against such Offender, his Executors or Administrators by any Action of Debt, Suit, Bill, Plaint or Information in any Court of Record, wherein no Essoign, Protection, Priviledge, Injunction, Wager of Law, or stay of Prosecution by *Non vult ulterius Prosequi* or otherwise shall be admitted or allowed; and any recovery or Judgment at the Suit of any Party grieved, shall be a sufficient Conviction for the first Offence; And any after Recovery or Judgment at the Suit of a party grieved for any Offence after the First Judgment shall be a sufficient Conviction to bring the Officers or person within the said Penalty for the second Offence.

Reasons set at large not to be Recommitted but by Order of Court

And for the prevention of unjust vexation by reiterated Commitments for the same Offence, **Be it Enacted by the authority aforesaid.** That no person or persons, which shall be delivered or set at large upon any *Habeas Corpus*, shall at any time hereafter be again Imprisoned or Committed for the same Offence, by any person or persons whatsoever, other than by the Legal Order and Process of such Court wherein he or they shall be Bound by Recognizance to appear, or other Court having Jurisdiction of the Cause: And if any other person or persons shall knowingly contrary to this Act, Recommit or Imprison, or knowingly procure or cause to be Recommitted or Imprisoned for the same Offence, or pretended Offence, any person or persons delivered or set at large as aforesaid, or be knowingly aiding or assisting therein, then he or they shall Forfeit to the Prisoner or Party grieved, the Sum of Two Hundred Pounds, any colourable pretence, or variation in the Warrant or Warrants of Commitment notwithstanding, to be Recovered as aforesaid.

Persons Committed for Treason or Felony shall be Indicted the next Term or let to Bayl.

Provided always, & be it further Enacted. That if any person or persons shall be Committed for High Treason or Felony, plainly and specially expressed in the Warrant of Commitment, upon his Prayer or Petition in open Court, the first week of the Term or first day of the Sessions of Oyer & Terminer, or General Goal Delivery, to be brought to his Tryal, shall not be Indicted some time to the next Term, Sessions of Oyer & Terminer, or General Goal Delivery after such Commitment, it shall and may be lawful to and for the Justices of the Superiour Court, & Justices of Oyer and Terminer or General Goal Delivery and they are hereby Required upon motion to them made in Open Court the last day of the Term, Sessions or Goal Delivery, either by the Prisoner, or any one in his behalf, to set at Liberty the Prisoner upon Bail, unless it appear to the Justices, upon Oath made, that the Witnesses for the King could not be produced the same Term, Sessions or General Goal Delivery: And if any person or persons Committed as aforesaid, upon his Prayer or Petition in Open Court the first week of the Term or first day of the Sessions of Oyer and Terminer, and General Goal Delivery, to be brought to his Tryal, shall not be Indicted and Tried the Second Term, Sessions of Oyer and Terminer, or General Goal Delivery after his Commitment, or upon his Tryal shall be Acquitted, he shall be Discharged from his Imprisonment.

Provided always That nothing in this Act shall extend to Discharge out of Prison, any person Charged in Debt, or other Action, or with Process in any Civil Cause; but that after he shall be Discharged of his Imprisonment for such his Criminal Offence, he shall be kept in Custody according to the Law, for such other Suit.

Provided

Provided always, and be it Enacted by the Authority aforesaid.

That if any of their Majesties Subjects shall be committed to any Prison, or in Costody of any Officer or Officers whatsoever, for any Criminal, or suppoled Criminal Matter, that the said Person shall not be Removed from the said Prison and Custody, into the Custody of any other Officer or Officers, unless it be by *Habeas Corpus*, or some other Legal Writ, or where the Prisoner is delivered to the Constable, or other Interiour Officer, to carry such Prisoner to some Common Goal; or where any Person is Sent by Order of any Judge of Assize, or Justice of the Peace, to any Common Work-House, or House of Correction, or where the Prisoner is Removed from one Prison or Place to another within the same County, in order to his or her Tryal, or Discharge in due course of Law, or in case of sudden Fire or Infection, or other necessity: and if any person or persons shall after such Commitment aforesaid, Make out and Sign, or Countersign any Warrant or Warrants for such Removal aforesaid contrary to this Act; as well he that Makes or Signs, or Countersigns such Warrant or Warrants, as the Officer or Officers that Obey or Execute the same, shall suffer and Incur the Pains and Forfeitures in this Act before mentioned, both for the First and second Offence respectively, to be recovered in manner aforesaid by the Party grieved.

Provided also, and be it further Enacted by the authority aforesaid. That it shall and may be Lawful to and for any Prisoner and Prisoners as aforesaid, to Move and Obtain his or their *Habeas Corpus*. And if the said Justices for the time being, or any of them, in or out of Court, upon view of the Copy or Copies of the Warrant or Warrants of Commitment or Detainer, or upon Oath made that such Copy or Copies were denied as aforesaid, shall deny any Writ of *Habeas Corpus* by this Act Required to be granted, being moved for as aforesaid, they shall severally Forfeit to the Prisoner or Party grieved, the sum of One Hundred Pounds, to be Recovered in manner aforesaid. Penalty, *&c.* for denying an *Habeas Corpus*.

Provided always, and be it Enacted. That no Person or Persons shall be Sued, Impleaded, Molested or Troubled for any OFFENCE against this ACT, unless the Party Offending be Sued or Impleaded for the same, within two years at the most after such time wherein the Offence shall be Committed, in case the Party grieved shall not be then in Prison, and if he shall be in Prison, then within the space of two years after the Decease of the Person Imprisoned, or his or her Delivery out of Prison, which shall first happen. Prosecution for Offences within what time to be made

And to the Intent no person may avoid his Tryal at the Assizes, or General Goal Delivery, by procuring his removal before the Assizes at such time as he cannot be brought back to receive his Tryal there.

Be it Enacted,

That after the Assizes proclaimed for or within that County where the Prisoner is detained, no person shall be removed from the Common Goal, upon any *Habeas Corpus* granted in pursuance of this Act: but upon any such *Habeas Corpus* shall be brought before the Justices of Assize in open Court, who are thereupon to do what to Justice shall appertain.

Provided nevertheless, that after the Assizes are ended, any person or persons detained, may have his or her *Habeas Corpus* according to the direction and intention of this Act.

And be it also Enacted by the Authority aforesaid

That if any Information, Suit or Action shall be brought or exhibited against any person or persons for any Offence committed or to be committed against the form of this Law; It shall be lawful for such Defendants to plead the general Issue, *That they are not Guilty* or that *they owe nothing*; and to give such special matter in Evidence to the Jury that shall try the same; which matter being pleaded, had been good and sufficient matter in Law to have discharged the said Defendant or Defendants against the said Information, Suit or Action; and the said matter shall be then as available to him or them, to all Intents and purposes, as if he or they had sufficiently pleaded, set forth or alledged the said matter in Bar or Discharge of such Information, Suit or Action.

AN ACT,

For the Revising of An Act for continuing of the Local Laws. And one other Act, for sending of Souldiers to the Relief of the Neighbouring Provinces and Colonies.

Disallowed.

WHereas at the Session of this Court in *June* last past An Act was made, Entituled an Act For continuing the Local Laws to stand in Force, till *November* the Tenth One Thousand Six Hundred Ninety and Two, which Act is near Expired; And Forasmuch as Provision in many Cases is not yet made.

Be it Enacted by the Governour, Council and Representatives in General Court Assembled. And by the Authority of the same.

That the Said Act and every part of it, Be and hereby is revived and Continued in full Force to all intents, and Purposes, from and after the Said Tenth Day of *November*, and shall so Continue until the General Assembly shall take further Order.

And Whereas at the aforesaid Session one Other Act was Made, Entituled an Act for Transporting of part of the *Militia* of the Province or Obliging them to March to the Relief of the Neighbouring Proxinces or Colonies, which Act is also near Expired. And Forasmuch as in this time of War there may happen Frequent Occasions for relief to be given unto the Neighbouring Provinces.

It is therefore Further Enacted by the Authority aforesaid

That the Said Act and every part of it be and hereby is revived and Continued in full Force to all intents and Purposes from and after the Expiration of the Six Months in said Act Mentioned, and shall so continue unto the First Day of the Sessions of this Court, which shall be in May next, and no longer.

FINIS

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